LEGISLATIVE ASSEMBLY

Wednesday 2 July 2003

The Acting-Speaker (Mr John Charles Price) took the chair at 10.00 a.m.

The Acting-Speaker offered the Prayer.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion by Mr Scully agreed to:

That standing and sessional orders be suspended to permit the passage through all their remaining stages at this sitting of the following bills:

Local Government Amendment (Employment Protection) Bill
Crimes Legislation Amendment Bill

HUMAN CLONING AND OTHER PROHIBITED PRACTICES BILL

RESEARCH INVOLVING HUMAN EMBRYOS (NEW SOUTH WALES) BILL

The ACTING-SPEAKER: I report the receipt of the following message from the Legislative Council in relation to the Research Involving Human Embryos (New South Wales) Bill:

Mr SPEAKER

The Legislative Council, having had under consideration the Legislative Assembly's Message dated 1 July 2003 concerning an amendment made by the Council in the Research Involving Human Embryos (New South Wales) Bill, does not insist upon its amendment.

Legislative Council — AMANDA FAZIO
1 July 2003 — Acting President

LOCAL GOVERNMENT AMENDMENT (EMPLOYMENT PROTECTION) BILL

Bill received and read a first time.

Second reading to stand as an order of the day.

BILL RETURNED

The following bill was returned from the Legislative Council with amendments:

Local Government Amendment (Elections) Bill

Consideration of amendments deferred.

CRIMES LEGISLATION AMENDMENT BILL

Bill received and read a first time.

Second reading to stand as an order of the day.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE AMENDMENT (CHILD DEATH REVIEW TEAM) BILL

Bill received and read a first time.

Second reading to stand as an order of the day.

POLICE POWERS (DRUG DETECTION IN BORDER AREAS TRIAL) BILL

Bill received and read a first time.

Second reading to stand as an order of the day.

LOCAL GOVERNMENT AMENDMENT (EMPLOYMENT PROTECTION) BILL

Second Reading

Mr NEWELL (Tweed—Parliamentary Secretary), on behalf of Mr Campbell [10.05 a.m.]: I move:

That this bill be now read a second time.

As the second reading speech is substantially the same as the speech made by the Minister when introducing the bill in the Legislative Council, I seek leave to incorporate the speech in *Hansard*.

Leave granted.

This bill proposes amendments the Local Government Act 1993 in relation to the transfer of staff from one council to another where local councils are constituted or amalgamated, or where local council boundaries are altered.

Currently, proclamations that alter the boundaries, or reconstitute or amalgamate local government areas contain provisions to ensure that employees' conditions and entitlements are protected. However, there is no provision under the Local Government Act in its present form to ensure that employees' security of employment is not bargained away during the negotiation of the transfer of assets after boundary alteration or amalgamation or constitution. This places local government employees in a significantly more precarious position than other public sector employees.

Under the old Local Government Act 1919, provision was made for the transfer of employees, where a new local council area was constituted, or the boundaries of a local council area were altered. The old Act provided that council staff were to be transferred from the old council to the new, and that their terms of employment were to be maintained. Further, such employees were not to have their services terminated within three years of such a transfer, on the ground of redundancy arising from such a constitution or boundary alteration. The award or industrial agreement governing the employment of such employees was to remain in force until a new one was made. Accrued leave and long service leave and superannuation entitlements were preserved. This bill reintroduces some of those provisions into the Local Government Act 1993.

Rather than the Minister for Local Government directing the allocation of resources, including employees, following a boundary alteration, amalgamation or constitution of local government areas, the Local Government Act will ensure this is done as a matter of course.

These employment protection amendments will only apply to non-senior staff of a council. The amendments will ensure that where an organisational restructure occurs within a council due to constitution, amalgamation or boundary alteration, lateral transfer provisions will be used to protect the existing employment conditions of staff. This will mean that councils must notify staff vacancies internally and select candidates from within, where an adequately trained pool of staff exists. Transferred staff will be preferred candidates for positions where they are suitably qualified to fill the position.

The bill also prohibits forced redundancies within three years of the proclamation of a council restructure due to amalgamation, boundary alteration or constitution of a council.

The bill also prevents councils from shedding staff in anticipation of such a restructure by ensuring that forced redundancies cannot be imposed on staff, during the period a formal proposal for structural reform has been received, and is under consideration.

The bill provides for the preservation of employment conditions, as if the transferred employee were continuing with the same employer. The bill preserves all leave and superannuation entitlements.

These amendments reflect the Government's commitment to rural communities, where the local council is often the major employer in the area.

Ensuring employment protection, particularly by prohibiting forced redundancies within three years of a restructure, will help ensure the bush does not suffer additional job losses, which is especially important in this time of economic hardship fuelled by the current drought.

A provision also exists to ensure that inappropriate determinations of the terms and conditions of employment of any staff which are made during the period a formal proposal for structural reform has been received and is under consideration, are not binding on a new council, unless approved by the Minister.

The Minister may only refuse to approve a council's determination if the Minister is satisfied that the council has only approved the determination to result in an unjustifiable increase or decrease in the obligations of the new council in relation to transferred staff members. This will prevent councils from renegotiating inappropriate employment conditions for their staff in an attempt to influence the outcome of a proposal to restructure the council by way of amalgamation, boundary alteration or constitution. It will also ensure that where one council is to take on staff transferred from another, that council would not have to meet the cost of unexpected employment conditions. It is not intended to apply to new determinations of employment conditions where those changes are made in good faith, and a regulation making power exists to exempt routine determinations.

The bill also introduces important new measures to promote greater transparency and accountability in local government. These measures deal with the issue of preventing inappropriate "golden parachute" payments to councils' senior staff, including general managers.

Termination payments will require ministerial approval before they can be made. This will ensure that a council cannot make unreasonable termination payments by way of redundancy or ex gratia payment to senior staff. This provision will apply at all times—not only in cases of council restructure.

A regulation-making power has been inserted to allow the exemption of certain types of termination payments that satisfy industry standards, for example, the payment of untaken recreation leave. This ensures that non-controversial payments are not caught by this provision and avoids unnecessary administrative process.

The Government is committed to ensuring a fair and transparent legislative framework to govern the employment conditions of staff in the local government sector in New South Wales.

I commend the bill to the House.

Mr FRASER (Coffs Harbour) [10.06 a.m.]: The Opposition will not oppose the bill, but it will highlight the hypocrisy of the Government and that it is now in the mode of legislating on the run. This legislation is necessary because the Local Government Amendment (Elections) Bill that was introduced in this House earlier this session creates problems for regional councils, as the Opposition predicted it would. The Government has denied, and continues to deny, that the purpose of that bill was to facilitate amalgamation and dissolution of local government areas.

I pointed out to the House in my second reading speech on that bill that the legislation would impact severely on small regional councils, which are often the largest employer in an area. At the time I gave the example of Yarralumla council. I remind the House that I said Yarralumla council had 61 full-time job equivalents and the loss of those jobs would have a severe impact in the Yarralumla area. No matter where they are, all areas in regional and rural New South Wales that agree to amalgamations or boundary changes—which, I suggest, will lead to the Government moving via the Boundaries Commission to dissolve councils—will suffer loss of employment.

The United Services Union became very concerned about the possible loss of jobs, especially in regional New South Wales, and as a consequence approached the Government and sought protection for its members employed by local government bodies. The union put to the Minister a fairly lengthy submission entitled "Amalgamations, Boundary Changes, Restructures and Employment Protection". If the initial legislation was not designed solely on the basis of amalgamations and dissolutions, why was it necessary for the United Services Union to put that submission to the Government?

The Government's agenda is now clear and openly on the table. The bill before the House has nothing to do with efficiencies and effectiveness—as the Minister to us. It has nothing to do with saving ratepayers' money. It has to do with an agenda—the reasons for which we are still unsure—to dissolve and amalgamate councils. The Government now, under pressure from the United Services Union, has brought in this employment protection bill. One reason for it given by the Government is the saving of ratepayers' money.

I put this question to the Parliamentary Secretary: If this bill is about efficient and effective delivery of services and savings to ratepayers, why is it proposing to protect the jobs of dissolved or amalgamated councils for up to three years? The efficiencies that were supposed to be achieved will be non-existent because wages will still have to be paid; that is, double wages will be paid by a single council identity. It makes no sense. It simply imposes a burden on ratepayers that was supposed to be lifted. Rates were supposed to be reduced and efficiencies achieved as a result of the passage of the Local Government Amendment (Elections) Bill.

The Opposition will not oppose this legislation because we need these jobs in regional New South Wales and the Government's legislation will have an effect. However, that effect will be delayed by three years. In

three years, when the axe falls, these councils could be overstaffed and the general managers might have to hide staff. Those employees will then either be kept on, which means an increased cost to local government, or they will be laid off. If they are laid off, this bill simply delays the inevitable economic effect in regional and rural communities that the Opposition predicted would occur if the first legislation were passed.

The legislation introduced by the Government in the upper House yesterday was amended on the run because Bernie Harris and members of the United Services Union demanded that amendments be made. The legislation was so poorly drafted that the Government realised that it would not achieve its objectives and that it had to be amended in accordance with the wishes of the union. If it were not amended we would have strikes all over New South Wales, and the so-called effectiveness and efficiencies would be interrupted and the objectives of the first legislation would not have been achieved. I once again question the way this Government is working.

I would dearly love the Minister or the Parliamentary Secretary to be honest with the people of New South Wales and to tell us the real reason for this legislation. Does the Government have a political reason for introducing these pieces of legislation? Are the amalgamations and dissolutions designed to create some political advantage for the Australian Labor Party? Are they really designed to achieve effective and efficient delivery of services to the people of New South Wales? I do not think they are; this is a political ploy. The Government is running an agenda to get Labor councils to be apologists for its policies across New South Wales. As a result, ratepayers will have to dip into their pockets and pay twice. As I said, the Opposition does not oppose the bill. However, I highlight this Government's hypocrisy given what it has done with both pieces of this legislation.

Mr GEORGE (Lismore) [10.12 a.m.]: I place on record some concerns expressed by the first two councils to amalgamate. I had the honour to proclaim the amalgamation of the Richmond River Shire Council and the Casino Council to form the Richmond Valley Council three years ago. Honourable members will benefit from hearing about the reality of amalgamation. I am not referring to what might happen but to the experiences of amalgamated councils. A general manager of one of the councils concerned highlighted some issues that I would like the Parliamentary Secretary to address. The councils feel strongly that they should have had structural flexibility from day one. Councils need that to be able to progress through the amalgamation process. All staff entitlements must be protected. Staff should have the opportunity for equal-level, long-term employment or genuine retrenchment provisions. Staff under contract should be treated in an equitable manner. What happens to satisfy contract employees other than senior staff? Perhaps a redundancy or retrenchment payment for staff should be available in the first 12 months. If retrenchment or redundancy payments had been available earlier in the piece to staff of the Richmond and Casino councils the transition process would have been much smoother.

The requirement for office staff to relocate to premises in the same town should be reasonable. Any staff required to relocate or to travel to another town should receive compensation. I am not dreaming up these matters; they are the reality faced by two councils that have been through this process. Staff should be closely consulted regarding their needs and preferences, but the new council must be able to proceed. Staff whose conditions are diminished by this process should be compensated in the short term and costs recovered from the long-term savings of amalgamation. I would appreciate the Parliamentary Secretary's comments on those issues. Amalgamations have already occurred in this State and the senior staff of the councils concerned should be consulted to avoid any further disappointments. Their experiences should be tapped into to ease the amalgamation process in the future.

Ms JUDGE (Strathfield) [10.19 a.m.]: I support the Local Government Amendment (Employment Protection) Bill. The Government has stated time and again that it does not support forced council amalgamations. It is beyond my comprehension that that point has repeatedly eluded the Opposition. However, should councils voluntarily embark upon a merger or boundary adjustment, it is essential that the council staff, the people—who are the most important resource of the council—are protected. It is important that the talents and skills of employees built up over a long time are not ignored and forgotten, but fully utilised. Valued employees should not have this threat hanging over their heads. Why should they be placed in a precarious position through no fault of their own? Canada Bay council is an amalgamation of Drummoyne and Concord councils. Through negotiation both councils decided to consider amalgamating and, ultimately, they made that decision. However, it was not the employees who made that decision; they did not vote for the amalgamation. The mayors and the councillors—the directly elected representatives of the ratepayers—voted.

The bill proposes to amend the Local Government Act 1993 in relation to the transfer of staff from one council to another when local councils are reconstituted or amalgamated, or when boundaries are altered.

Currently, proclamations that alter boundaries, and reconstitute or amalgamate local government areas contain provisions to ensure that employees' conditions and entitlements are protected. However, there is no provision under the Local Government Act in its present form to ensure that employees' security of employment is not bargained away, is not lost during the negotiation of the transfer of assets after boundary alteration, amalgamation or constitution. It is a significant and important Act because it deals directly with council's most valued asset, its workers and, indirectly, their families, neighbourhoods and communities. Our Government is committed to ensuring a fair and transparent legislative framework to govern employment conditions of staff in the local government sector in New South Wales. This is another step in the right direction to make sure that we protect our most valuable employees. I commend the bill to the House.

Ms HODGKINSON (Burrinjuck) [10.22 a.m.]: I recognise that the Local Government Amendment (Employment Protection) Bill proposes amendments to the Local Government Act 1993 in relation to the employment protection of staff who are transferred from one council to another council due to constitution, amalgamation or alteration of council areas. Nothing is causing more angst in my electorate at the moment than amalgamation. My electorate covers all or part of 11 different local government areas—Crookwell, Gunning, Yarrowlumla, Mulwaree, Goulburn, Yass, Boorowa, Tumut, Gundagai, part of Harden and part of Wingecarribee. Within two months of the last election the Government said that Yarrowlumla would no longer exist. Yet I distinctly remember at the Meet the Burrinjuck Candidates Forum, which was held prior to the election, the Labor candidate, in answer to a question from a man from Boorowa, said that there would be no forced amalgamation; in other words, that councils have nothing to fear.

But now one of the most contentious issues in the lead-up to the election campaign is taking place before our very eyes. Last weekend Mulwaree Shire Council—a doughnut council that surrounds Goulburn city—held six different public meetings. It is extremely nervous about its future. It was reported to me that the President of the Shires Association mentioned to one particular shire that councils that do not present their submissions to the Minister for Local Government before the due date, which is August, are unlikely to continue. Mulwaree Shire Council has called another meeting for 6.00 p.m. on Thursday night in the Goulburn Soldiers Club. I expect a large turnout at the meeting. Residents and ratepayers are extremely concerned about what the Government is attempting to do. There is no doubt that it is amalgamation by stealth. General managers of shire councils in my electorate have expressed extreme concern about their futures.

Mr Fraser: It's no longer by stealth. It is blatant.

Ms HODGKINSON: The shadow Minister is right: it is no longer by stealth; it is a forced amalgamation proposal. The amendments in the bill apply to non-senior council staff members who have been transferred to a new council area. The amendments provide for no forced redundancy during the proposal period for a restructure, and for three years following the proclamation, the preservation of the entitlements of transferred staff members to ensure no net detriment is experienced. The amendments also provide for a ban on transfers within the first 12 months, and a 12-month ban on external advertising of positions when one or more transferred staff members are suitably qualified for the position. Once again, job security in country areas is no longer assured. The provisions are only short term. Basically, it is a drawn-out form of retrenchment. It is no wonder that general managers and other council staffers are extremely concerned.

Often small shire councils are the largest employer in the town, rivalled only by Aged Services. In Crookwell, Aged Services is the largest employer and the council is the second-largest employer. In Boorowa the largest employer is the shire council. These towns rely on such jobs. In tough economic times, such as the drought, many country towns endure terrible economic conditions. This is not the time, when we are trying to rebuild our country communities and achieve decentralisation, to force local government amalgamations. It is beyond belief that the Government would be so arrogant as to introduce these proposals just after an election in which they swore black and blue that there would be no forced local government amalgamations. It is the height of arrogance and hypocrisy, and indicates that the Labor Party was lying to the electorate throughout the election campaign.

How can the citizens of this State trust this Government? Quite clearly, they cannot. Many councils and communities in my electorate are extremely upset about what is occurring. Mulwaree is probably the most vociferous, but I certainly expect other councils to become more vocal as the time for submission draws nearer. It is the main issue in all the local newspapers around my electorate. We are very concerned about comments on the various amendments to the Local Government Act. It belies belief that there will be no plebiscite; that the will of the people will not be taken into consideration. The Coalition went to the election saying that we do not oppose local government amalgamations if it is the will of the people. We said that if the majority of people in

both councils wanted some sort of amalgamation then we would support it and assist them to achieve it. But it has not been put to the people in any way, shape or form.

The Government is bullying local councils into implementing the agenda the Labor Party set before the last election. It is obvious that they were going to do this all along. It is fundamentally wrong to go ahead without a plebiscite, without even asking the people, the ratepayers. There is something fundamentally wrong with our system when this type of legislation is forced on the people of our areas, particularly my electorate. I condemn the Government for its attitude on forced amalgamations. It should hang its head in shame. It should listen to the people, particularly those in country areas who have been doing it extremely tough.

We do not need this arrogant behaviour from the Government. The Government should be called to account. General managers need some sort of long-term security of tenure if their councils are going to disappear. How can we trust the Government when this sort of behaviour is taking place? I cannot begin to explain the angst that is felt in country areas about the hypocrisy of the Government's policy on amalgamations for the sake of economic efficiencies. It is clear that all rural areas are doing it very tough at the moment.

Mr CONSTANCE (Bega) [10.30 a.m.]: I do not oppose the Local Government Amendment (Employment Protection) Bill, which proposes amendments to the Local Government Act 1993 to provide employment protection to staff members transferred from the employment of one council to another council due to the constitution, amalgamation or alteration of council areas. As a regional member of this House I acknowledge the valuable role that local government plays in employment in regional areas—a point that has been sorely missed by the Labor Government in relation to the local government reforms it has sought to push through the Parliament in recent times.

There has been a lack of basic community consultation on this issue. As with any proposed boundary changes, particularly in south-eastern New South Wales, an area in which I have a vested interest, people want to know how these changes will impact them. The bill is about providing surety to council employees. I do not necessarily disagree with the implementation of certain measures to provide surety to employees in regional areas. We do not want to see forced redundancies as a result of boundary changes, and we want to ensure the preservation of entitlements of transferred staff members or those who are greatly impacted by these changes. However, what impact will the changes have on ratepayers, and what level of consultation has taken place with them, both with regard to the amalgamation issues and to the impact that this could have on local employment?

The dissolution of Yarrowlumla Shire Council is a good example of the impact of the boundary changes. Prior to the State election the then member for Monaro, Peter Webb, was accused of scaremongering when he dared to suggest that Yarrowlumla Shire Council would be dissolved. Within two months of the State election the Labor Government moved to dissolve that council, which will have an impact on 61 council employees. An article appearing in the *Queanbeyan Age* referred to a letter that the honourable member for Monaro received from the Minister for Local Government, the Hon. Tony Kelly, concerning the jobs and conditions of the 61 full-time employees of Yarrowlumla Shire Council. The honourable member for Monaro is quoted as saying:

> I have received a written assurance about the jobs and conditions of people working for Yarrowlumla Shire Council.
>
> The letter from the Minister confirms that if there is a recommendation for a boundary change there will be:
>
> > No forced redundancies for three years
> >
> > Salary maintenance
> >
> > Protection of conditions
> >
> > Preservation of all leave and superannuation entitlements
> >
> > No unreasonable relocations of staff.

So the Minister has provided that assurance. I ask: Who is going to pick up the tab for the 61 full-time council employees who will now be relocated to other council areas? For the next three years Queanbeyan and Yass councils will have to pick up the costs of these additional 61 full-time staff. What impact will this have on the ratepayers of the Queanbeyan and Yass shires? I place that matter on the table for discussion. I hope that the Government can answer the question, because it goes to the very heart of this bill.

It is one thing to have amalgamations for the benefit of economies of scale and increased efficiencies in local government, but those efficiencies will not be realised if councils are to be forced, for the next three years,

to cover staff salary costs of previously adjoining councils. What realisation of benefits will occur as a result of this legislation? Another issue that needs to be debated is the forced relocation of staff from their previous operations base. What unacceptable locations will those staff be required to move to? Regional New South Wales, particularly the south-east region, has a significantly high unemployment level. The electorate of Bega alone has an 11.3 per cent unemployment rate. On behalf of ratepayers I am concerned to hear what impacts these changes to local government boundaries will ultimately have. At the very least, rates may be increased to cover the shortfalls in this legislation. I call on the Minister to clarify those matters.

As the member representing the electorate of Bega I am greatly concerned about the lack of consultation, and particularly the lack of uncertainty on the part of local government in relation to these reforms. The community overwhelmingly may think that it is a great idea. Some sections of the community—and I concur with them—believe that it is beneficial to reform local government. I believe that people want to see greater efficiencies, better performance and greater accountability in local government. However, it is important to bear in mind that the amalgamation process runs the risk of putting local councillors out of touch with their local communities, particularly given the increased geographical areas that some councils will now have to cover.

It is a little hypocritical of the Government to, on the one hand, push through reforms and, on the other, implement measures to protect employees and force onto the ratepayers of the councils that will be affected by the amalgamations and boundary changes the potential of increased rates. To that end I do not oppose the legislation, because I believe it is important to protect employees in regional areas. However, I highlight the hypocrisy of the Government's policy of amalgamations for the sake of economic efficiencies through the introduction of this bill.

Mr NEWELL (Tweed—Parliamentary Secretary) [10.38 a.m.], in reply: I thank honourable members on both sides for their contributions to this debate. As honourable members are aware, no-one cares more about country New South Wales than this Government. The Government recognises that councils are often the largest employers in country towns, and it is committed to supporting those workers. The bill simply reinforces that commitment. If members opposite had listened to the contributions to the second reading debate on the bill in the other place, or indeed the contributions to the second reading debate in this place, they would understand exactly what the bill is about.

I suspect that members opposite really do understand because they have indicated that they will not oppose the bill. I am pleased that the Opposition has recognised the importance of these provisions to local government and to workers in rural and regional New South Wales. Despite what the Opposition has said, this bill does not impede councils' pursuing a reform agenda to provide greater efficiencies to the communities they serve. Rather, this bill provides a balance between the opportunity for councils to restructure to become more efficient and accountable and the rights of local government employees. The bill ensures that the best possible outcome is reached for the community.

In response to the comments by the honourable member for Lismore on the need for ongoing consultation, as I have indicated, the Government, through the Minister in the other place, has indicated a commitment to ongoing consultation with key stakeholders on this issue. Last night the Minister indicated that he would address outstanding issues as appropriate. In summary, this legislation is a sensible balance between the need to effect efficiencies through restructuring and the rights of workers to be protected when such changes are undertaken. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of the amendments referred to in message of 1 July

No. 1 Page 3, Schedule 1 [1], line 7. Omit "March". Insert instead "September".

No. 2 Page 3, Schedule 1 [2], lines 8 to 10. Omit all words on those lines.

No. 3 Page 5, Schedule 1 [15]. Insert after line 29:

Reduction in number of councillors—Hornsby Shire Council

(1) Hornsby Shire Council may, at any time before 31 December 2003, resolve to make an application to the Minister for approval to decrease the number of councillors who would otherwise be required to be elected at the next ordinary election from 11 to 10.

(2) Hornsby Shire Council must give not less than 21 days public notice of its proposed resolution.

(3) After passing the resolution, Hornsby Shire Council must forward to the Minister a copy of the resolution, a summary of any submissions received by it and its comments concerning those submissions.

(4) The Minister may approve the application without amendment or reject the application.

(5) If the Minister approves the application, the number of councillors of the Hornsby Shire Council is reduced to 10 with effect on and from the day appointed for the next ordinary election of councillors after the application is approved.

(6) This clause has effect despite sections 16 and 224.

No. 4 Page 6, Schedule 1 [15]. Insert after line 14:

Amalgamation of areas

Nothing in this Part affects Division 2C of Part 1 of Chapter 9.

No. 5 Pages 5 and 6, Schedule 1 [15], line 30 on page 5 to line 14 on page 6. Omit all words on those lines.

No. 6 Long title, page 1. Omit "to facilitate a decrease in the number of councillors of a council;".

Mr NEWELL (Tweed—Parliamentary Secretary) [10.41 a.m.]: I move:

That the Legislative Council's amendments be agreed to.

Mr FRASER (Coffs Harbour) [10.42 a.m.]: This is the most hypocritical act that this Government has imposed during this term. The Premier stated in this House, and the Minister stated in the other place, that one of the major reasons for delaying the local council elections until March next year, and then every fourth year thereafter, was to ensure that incoming councillors would have an opportunity to participate in the budgetary process. It was said that if elections were held in September, the incoming councillors would have no idea of the budgetary process, and no opportunity to adjust the budget to meet the community's needs and concerns, and to understand the council's budgetary process. That was the main plank of the platform on which the Government stood to introduce the legislation.

It was also said that if local government elections were moved out of the State election year it would take the pressure off the State Electoral Commission. The Premier assured the House that that was the main reason this legislation had to be passed. I put it to the Committee and to the people of New South Wales that the Premier misled the House in that regard. The Premier lied to the public of New South Wales and to the councils, and for what purpose? As I said previously—in fact, as recently as today—his purpose was purely to force on the people of New South Wales amalgamations or dissolutions of councils. Time and again the Opposition has said that will create severe problems in regional and rural New South Wales. Examination of amendments passed by the Legislative Council shows that the Government has backtracked from the original legislation, which would have allowed councils, by way of resolution, to request a reduction in the number of councillors.

I believe that the reason the Government backtracked was that the crossbenchers in the upper House would not support a reduction by statute, and the Government belatedly realised that such a provision may also work against the Labor Party. If the Government had reduced the number of councillors in wards, under the preferential voting system it would probably mean that the number of councillors in a ward would be reduced from three to two. That could backfire on the Labor Party and it might result in the Liberal Party getting rid of some of the Labor Party councillors in Sydney, or in independent groups taking Labor-held positions on councils. The Government quickly pulled back that provision. It got rid of that part of the bill and accepted an amendment moved by Reverend the Hon. Fred Nile. I commend him for moving the amendment. The honourable member stated in the other place:

> That means that local government elections will be held in March in 2008, 2012 and so on. My amendments simply restore the elections to September from 2008. So from 2008 we revert to the regular system that local government is used to.

Local government elections are held every four years and local governments have been elected for a four-year term, but the Minister has arbitrarily extended that term by six months. A councillor told me he felt sure that after September this year his council will not be able to convene a quorum because the majority of councillors intended to retire at the next election and had already booked trips around Australia or overseas. They want to get out in September, but this Government is forcing them to remain until March next year. The Government has arbitrarily thrown a 4½-year term onto the community and the councils even though the Act provides for a 4-year term. I do not know whether "hypocrisy" is a strong enough term to use. This Government has misled the Parliament and lied to the people and the councils of New South Wales by lengthening the term until September. When the Hon. Tony Kelly in the other place was asked, by way of interjection, what happened to the need to change the date, he stated:

> The Government's original intention in moving that local government elections be held in March was to provide consistency with the State election cycle and to provide greater opportunity for an incoming council to have control over its budgetary process.

Where has that idea gone? Councils do not have the opportunity to control budgetary processes. That statement was absolute nonsense. The original rationale put forward by the Government went straight out the door. I appeal to the Minister and the Premier to tell the people of New South Wales the truth. They should tell us what they are up to. We were told originally that 18 councils had been written to, and then we were told that 30 councils had responded. Recently we were told that between 50 and 60 councils had responded.

I want to know what the Government's intention is, and how many councils will remain in New South Wales after this process has been implemented. This is touted as a process of non-forced amalgamations. What a lot of rot! This is nothing more than forced amalgamations. Conversely, if it is more, then it is dissolution, as we have seen in the Yarrowlumla Shire Council. This legislation has set council against council. If the Premier and the Minister are serious about local government reform, surely the Department of Local Government should have received funding to enable it to conduct some conciliation among councils, assist them to become more effective and efficient in the delivery of their services, and give them the opportunity to make submissions on cost shifting.

It will be interesting to read the Federal Government's report of its inquiry into cost shifting in regard to what this Government has done to local government in regard to State environmental policies, the Companion Animals Act, septic tank legislation, and all other legislation that is forced upon local government without the provision of funding from the State Government. If the Government had acted responsibly when introducing legislation over the past 8½ years to assist local government in the implementation of legislation, many councils would not be facing the problems that currently exist. The Government should have returned some of the competition policy payments to local councils so that they could improve road networks and deliver services, because it is the councils that have been most affected by competition policy decisions.

Mr Newell: I will have to take a point of order because you are outside the amendments.

Mr FRASER: The Parliamentary Secretary, the honourable member for Tweed, can take a point of order if he thinks I am outside the amendments. He should tell the local government authority in the Tweed electorate where he stands on this issue. He has hidden his light under a bushel.

Mr Newell: Point of order: The honourable member for Coffs Harbour understands the standing orders. He obviously realises that he has moved outside the standing orders because he is no longer addressing the amendments before the Committee. I ask you to bring him back to the amendments.

Mr Fraser: To the point of order: These amendments strike at the heart of the legislation and at the argument put by the Minister when he first introduced the legislation into the Parliament. If I cannot canvass that argument and point out that the Minister has abrogated his responsibility to the people of New South Wales by accepting these amendments in the upper House, I feel that the only person who is out of order in this place is the Parliamentary Secretary.

The TEMPORARY CHAIRMAN (Ms Saliba): Order! I remind the honourable member for Coffs Harbour that he must direct his remarks to the amendments.

Mr FRASER: I again point out to the Parliamentary Secretary—the great white hope of Country Labor—that in fact these amendments are nothing but hypocritical. They override all the arguments put forward by the Minister with regard to shifting the date of the elections to March. How can the Minister or the Premier claim that they needed the elections to be held in March because of the budgetary process, and then accept an

amendment from Reverend the Hon. Fred Nile to put the amendments over until September? The Government has acted outside the terms of the existing Local Government Act 1993 in giving councillors two 4½-year terms.

I plead with the Parliamentary Secretary to try to get some sense out of the Minister and tell us which councils will be amalgamated or dissolved. The Minister should tell us why there is a need to have two 4½-year terms in a row. That is what these amendments do. It is my belief that these amendments, and the remainder of the legislation, will operate purely to ensure that local councils are either amalgamated or dissolved. As I said, if this Government had not cost shifted and pushed legislation and regulations onto local government, the legislation would not have been needed in the first place. The Coalition will not support the amendments or the legislation in toto, purely to demonstrate the hypocrisy of the Minister, the Premier and the Government in regard to this legislation. They have not been truthful with the people of New South Wales, and I believe they should tell them why they are tinkering with this legislation.

Mr R. W. TURNER (Orange) [10.54 a.m.]: I confirm that the Coalition will not support the amendments of Reverend the Hon. Fred Nile. He has not given us valid reasons to support them. His reason for proposing that the 2008 elections should be held in September is that the minor parties do not have enough time over the Christmas period to get ready for a March election because their staff are on holidays. I believe that we should have a much more valid reason than that. Even if they do have a holiday over the Christmas period—which they may or may not deserve—they have had four years prior to that time to get ready for the next election.

As has been stated in this House and in public, the day after an election we start working on the next election. Councils have four years to get ready for an election, whether it is held in March, September or any other time. The Government's reasons for delaying the September 2003 local government elections until March 2004 have no validity. The statement that new councillors should have an input into the forthcoming budget might have some credibility. But new councillors have to take on a huge role: they have to get used to the running of the council. I do not believe that a month or six weeks gives them enough insight into council budgets or council policies in regard to major development, so they may not have a valid input into the budgetary process in any case.

The Government referred to State elections and local government elections being held in the one year. There is always the possibility that a local government election and a Federal election will be held in the one year because, as we know, Federal elections are held every three years, with an opportunity for them to be held earlier only if it is seen as politically opportune, or in the event of a double dissolution. The Federal Government can call an election at any time, so there could be two elections in one year. I do not believe those points have any validity at all.

Councils are in turmoil with the possibility of forced amalgamations, agreed amalgamations, and part amalgamations. It is getting to the stage where I believe the State Government and the Minister for Local Government should state categorically what they have in mind. They should state what councils it intends to amalgamate, and how many councils will be left after the amalgamations. At the moment councils are fighting each other through the press, through their meetings, and through letters to the editors of newspapers. I believe councils are basically under siege. They have been distracted from their main task of looking after the ratepayers.

Instead they are deferring decisions on capital works and other matters because of the cloud that hangs over them as to whether they are going to be amalgamated, what is going to happen to their budgets, and what staff they will end up with. They are not able to get on with the very important role that they have. I call on the Government to categorically state how many councils it intends to amalgamate and what those councils are, so that all councils can get on with the job of representing the ratepayers. At this point the Coalition will not accept the upper House amendments because we do not believe that good and valid reasons have been put as to why we should accept them.

Mr CONSTANCE (Bega) [10.59 a.m.]: According to the Premier, the reforms of local government and the deferral of elections have opened up one of the biggest opportunities for change in decades. For the Government to defer local government elections from September this year to March next year, and then to defer them from March to September, demonstrates that it has not shown openness or transparency in the process involving council amalgamations. Previously the Premier had denied that shifting the elections from September to March next year was linked to the push to reform local government. Well, he has been proven wrong! The Government has repeatedly stated that there would be no forced amalgamations and the deferral of the elections

is proof of that. We do not know how many amalgamations will be forced on regional councils; we do not know how many councils will be dissolved. Again, the Government is misleading the community and Parliament in relation to the time frame for local government elections.

I could not believe that the State Government stated publicly that the council elections were being moved from September until March on the basis that it would improve the budget-setting process and enable newly elected councillors to have input into the budget. Anyone who knows anything about local government knows that the general managers set their budgets prior to March—by March the councils are 90 per cent into their budget-setting process. The deferral to September will benefit newly elected councillors by allowing them to sink their teeth into the budget-setting process of a council. It is hypocritical for the Labor Government to say to the community that it is deferring council elections to improve the budget-setting process of councils—that is a furphy and an outright lie. The Premier should apologise to the community and Parliament. As I have said, I cannot believe that the Government has backflipped on this issue within two months.

Ms HODGKINSON (Burrinjuck) [11.02 a.m.]: Really, these amendments are beyond the pale: It is extraordinary that in another place the word "March" was omitted and the word "September" was reinserted as the date for local government elections. The Government argued that it delayed the council elections because there was a State election the same year and the State Electoral Office would not be able to cope. The Opposition went along with the first change, but now that date is to be changed again. I wonder why the local government elections are to be deferred until September. This is a very confusing amendment that ridicules the entire argument for moving the election date in the first place.

Mr Fraser: It shows up Carr's arrogance.

Ms HODGKINSON: It does more than show up the Premier's arrogance; it proves how stupid the Government is. Why change the date in the first place? Why change it again a couple of weeks later? It is an extraordinary and hypocritical part of the raft of changes to the Local Government Act. Between the previous debate and today I met with people from Hume Shire Council. They are at Parliament House today to express their concerns about what is happening in the Hume shire. Hume council is a doughnut council, as are Mulwaree and Yarrowlumla councils, both of which are in my electorate. Hume Shire Council is extremely concerned about these changes. Hume council's general manager and mayor have raised their concerns with me about their submissions to the Minister for Local Government. I remind Minister Kelly that he represents all councils in New South Wales and that he should not be selective about the ones he wants to see disappear and the ones he wants to retain. He must be fair and impartial; he must act in the best interests of the citizens and ratepayers in all local government areas. I go so far as to warn him to not pre-empt decisions to be made by the Local Government Boundaries Commission. The Minister is treading a fine line.

Hume Shire Council is upset at the way in which the Minister has behaved. Today residents of various shires will demonstrate outside Parliament House. I welcome that; we live in a democracy. I hope that their message will get through to some Labor Government Ministers—people have had enough hypocrisy from this Labor Government, enough lies, enough overriding. Before I was elected as a member of this House I did not know that that hypocrisy existed. I know that the amendments will be passed, but it beggars belief that they are needed in the first place.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

CRIMES LEGISLATION AMENDMENT BILL

Second Reading

Mr WEST (Campbelltown—Parliamentary Secretary), on behalf of Mr Debus [11.06 a.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 25 June and the Minister's second reading speech appears at page 34 of the *Hansard* proof for that day. The bill is in the same form as in the other place. I commend the bill to the House.

Mr TINK (Epping) [11.07 a.m.]: The Crimes Legislation Amendment Bill makes a number of changes to the criminal law. I will refer briefly to 12 principal matters. The Bail Act is amended to make it clear that the principles and rules of law governing the admission of evidence do not apply to bail applications. The Crimes (Sentencing Procedure) Act 1999 is amended to provide that a person convicted of a sexual offence against a child under 16 or a sexual assault against any person cannot be sentenced to imprisonment to be served as periodic detention. The Child Protection (Prohibited Employment) Act and the Summary Offences Act are amended to provide consistent penalties of two years imprisonment and/or 100 penalty units when a convicted child sexual offender loiters near a school or public place or is involved in child-related employment.

The Criminal Procedure Act is amended to exempt child complainants in sexual assault proceedings from giving evidence in committal hearings. This and the amendment to the Evidence (Children) Act arise from Legislative Council standing committee recommendations. The Evidence (Children) Act 1997 provides that a recording of a child complainant's initial investigative interview with police may be admitted as that child's evidence in chief, and the amendment proposes that the child must not be present in or visible to the court by closed-circuit television while it is viewing or hearing the recording.

The Crimes (Forensic Procedures) Act is amended to allow police to exclude an interview friend of a suspect to be tested if they believe that the interview friend may be a co-offender. These powers already exist in other parts of the Act and the amendment is to correct an omission. Further amendments to the Crimes (Forensic Procedures) Act will enable New South Wales to participate in the national DNA database scheme by way of CrimTrac and will facilitate the interjurisdictional exchange of information. The definition of "sentence" in the Crimes (Local Courts Appeal and Review) Act is amended to make it clear that appeals may be made in relation to non-association and restriction orders.

The Crimes (Sentencing Procedure) Act 1999 is amended to provide that a court cannot partially suspend a sentence because it can cause hardship to the offender and difficulties for the Department of Corrective Services in administering the sentence. The Criminal Appeal Act is amended to give the Court of Criminal Appeal power to quash or vary consecutive or concurrent sentences passed at trial. The Drug Court legislation is amended to give the court the same range of sentencing options to deal with breaches of bond matters, as it has with all other matters. The Mental Health Act is amended to give the court an alternative to detention in a hospital or institution for mentally ill and disabled people, allowing the court to make orders in the same terms as bail conditions.

That is not a complete list of all that this bill will do. I have some respect for the Minister for Justice in the other place, but I was infuriated with his second reading speech as it did not follow the provisions in this complicated bill. Those honourable members who have a genuine interest in these sorts of issues, apart from just reading government briefing notes, would be better served if Ministers' second reading speeches followed the provisions in the bill. In my view the Minister's contribution was counterproductive as it did not make clear the purpose of the bill. I struggled through the dense and complex explanatory notes to the bill, which I found helpful. There must be a better way for Ministers to explain legislation such as this to members of Parliament. Perhaps more straightforward phraseology could have been used in the explanatory notes to this bill, which caused trouble in the upper House.

There was a lot of misunderstanding about one provision in the bill—a matter on which I will spend a little more time later. I presume that it is not easy for bodies such as the Law Society to get to the bottom of this bill and to identify with precision all that it is about and all of its consequences. We have been left to best guess the consequences of these proposals and to make assumptions when we do not have the knowledge that ideally we should have or to which we are entitled. I foreshadow that I will be moving an amendment in Committee, which should not come as a surprise to honourable members as it is the same amendment that was moved in the upper House. My amendment relates to schedule 6, which is headed "Amendment of Crimes (Sentencing Procedure) Act 1999 No 92". It states:

> [1] Section 12 Suspended sentences
>
> Insert "the whole of" after "suspending execution of" in section 12 (1) (a).

The Minister referred in his second reading speech to the judgment in the case of *Regina v Gamgee*. As I understand it, it states "a court should not be able to partially suspend a sentence". The effect of this proposal will be to amend the Crimes (Sentencing Procedure) Act so that a court will not be able to partially suspend a sentence. It follows at the moment that a court can partially suspend a sentence. As I understand it, that seems to be the effect of the judgment of the Court of Criminal Appeal in the case of *Regina v Gamgee*, to which the

Minister referred in his second reading speech. The bench—a pretty strong bench—comprised the President of the Court of Appeal, Justice Mason, and Justices Sully and Dowd, although I think Justice Sully dissented. I quote from the judgment of Justice Mason and Justice Dowd, which states:

> Following a plea of guilty to the offence of kidnapping, Judge Phegan imposed a sentence of imprisonment for two years to date from 13 December 2000. Relying upon s12 of the **Crimes (Sentencing Procedure) Act 1999** he directed that the prisoner be released from custody after six months and that he be placed on a good behaviour bond for the remaining 18 month period to appear for sentence if called upon at any time for any breach occurring during that period. The bond was to be subject to conditions including notification of changes in residential address, supervision by the Probation and Parole Service and acceptance of all reasonable directions of that Service.

The case report then states:

> The sentence is challenged on the single ground that it was contrary to law.

It was beyond the power of the judge to impose such as sentence. A judge can impose a sentence of imprisonment and then make a binding order for a prisoner to be released from custody after six months, placed on a bond for the remaining 18 months and called back if there is a breach of that bond. The argument in that case was that the judge's decision was contrary to law. In the case to which the Minister referred in his speech, the majority of the court found that such a sentence was not contrary to law and that the judge was quite entitled to impose a sentence of that type. The judgment states:

> The Crown submits that s12 does not allow for a sentence to be suspended in part, as is the position expressly provided for in some other jurisdictions.

I have not had the opportunity to look at other jurisdictions, but I am assuming, if I have that part of the judgment right, that other jurisdictions expressly allow for a sentence to be suspended in part. Honourable members are being invited by the Government to shut the door on that proposal. Mason and Dowd went on to state:

> However, we see no reason why the words should not carry their full weight, thereby enabling wider use of this flexible sentencing option in circumstances falling fairly within the language adopted by Parliament.

They then go on to provide a few reasons:

> The interpretation which we favour will allow appropriate denunciation of a serious offence, but with partial suspension of an initial portion of the term of imprisonment to enable some event to take place (eg completion of a pregnancy or of a course of study).

In the opinion of the court, some people may properly and appropriately warrant punishment through a full-time term of imprisonment, but by reason of pregnancy or for some other reason, they have a portion of their term of imprisonment suspended. If this bill is passed the court's sentencing flexibility will be slammed. The judges go on to state:

> Conversely, it would allow the moulding of a sentence where the conditional partial suspension thereof occurs at the latter end of the term imposed, as occurred in the present case.

In other words, it can allow for a full-time sentence and then for a suspension, but the judge has the option of putting a person back in prison if that person breaches his or her conditional release. The judges then go on to state:

> The Crown has not suggested any policy reason why such options should be spurned …

The Government is now proposing some policy reasons why that law should be changed. The Minister said in his second reading speech:

> When a sentencing judge determines that a sentence is to be suspended then the whole sentence should be suspended. To order that an offender go into custody to serve a sentence after an initial period of suspension of the sentence can cause considerable hardship to the offender. It also causes difficulties for the Department of Corrective Services in administering the sentence.

Those are the policy reasons trotted out in support of this significant change that has been parked halfway through this omnibus bill. The Minister refers to a sentence causing hardship to an offender. However, such a sentence may help an offender who is pregnant, for example. The judges made that point in the Court of Appeal. I do not understand the Minister's emphatic point, which is explained only briefly, that hardship will be caused

to offenders when the judgment upon which the Minister relied as the basis for bringing this matter before Parliament states that the personal hardship suffered by offenders can be eased in appropriate cases. The Minister does not appear to have read the judgment or, if he has, he has not understood that point. There is a clear conflict between the Minister's statement to Parliament and the judgment to which he referred.

Feedback from the crossbenchers in the upper House is that there is great confusion about this issue, which is regrettable. I suspect that this legislation does not reflect the will of both Houses of Parliament because it was not explained and members do not understand it. I do not know whether that is a deliberate ploy on the part of the Government or whether it is a simple omission. However, such bills must be explained better in future. Conversely, the judges refer to people who are sentenced to a term of imprisonment, who serve part of that sentence and are then allowed conditional release as part of a rehabilitation process—with the proviso that if they muck about they will go back inside. I believe that is an eminently sensible sentencing option except in the case of violent and related offences that were discussed during the election campaign and which must be dealt with through other forms of sentencing. I believe this sort of flexibility is important, especially for less serious offences when offenders have a greater chance of rehabilitation through a carrot-and-stick approach.

According to one analysis, this legislation will remove the stick. By allowing an offender to be gaoled for a period and then released conditionally it removes sentencing flexibility and the chance to rehabilitate someone at the lower end of the criminal scale who may be capable of rehabilitation. That is unfortunate, short-sighted and plain wrong. The ironies abound in considering this issue. There is much debate in this place about not limiting judges' sentencing options—that is what I understood the Government to be saying during the election campaign in the sentencing proposals that it put to the electorate. Yet these provisions will have a significant impact at the lower end of the criminal scale. They will certainly impact on the capacity to rehabilitate offenders. I think it is fundamentally wrong for the Minister for Justice to introduce a bill about sentencing. I cannot understand why he did so as a clear conflict of interest is involved. I understand that the bill was introduced in the upper House in order to ensure its passage before the winter recess. In his second reading speech the Minister said:

> It also causes difficulties for the Department of Corrective Services in administering the sentence.

With great respect to the Minister, the difficulties of the Department of Corrective Services should not be driving sentencing policy. Such policy is a matter for the Attorney General. By all means, seek the advice of the Minister for Justice and the Minister for Police—I have strongly counselled taking that course of action and I shall do so again—but this legislation should have been introduced by the Attorney General. A conflict of interest from a policy point of view is revealed in the statement that flexibility in sentencing causes problems for the Department of Corrective Services. The department should get its act together and meet the sentencing requirements of the Government, the Parliament and the courts. Ron Woodham and his staff should not be taking a red pen to legislation, saying, "We can't have the court imposing this sort of sentence because it's too hard for our people." I am sorry, but it is important to have flexibility in these sorts of cases. Rehabilitation at the lower end of the criminal scale is critical for those who are rightly subject to an order such as Phegan made in the Gamgee case. It should not be that hard.

The Coalition moved an amendment in the other place in order to address that issue. I think if honourable members had understood a little better what it involved it might have been passed. In fact, in light of the explanations provided subsequently, I think some members could have voted differently. I ask Ministers to make better second reading speeches in future that explain legislation properly. I suspect that the Attorney General would have offered a better explanation of the bill and provided a better road map for this technical and complicated legislation. The Opposition does not oppose the bill but we will move in Committee the amendment that we moved in the upper House to try to ensure that judges and the courts have the capacity to suspend parts of sentences.

Mr LYNCH (Liverpool) [11.28 a.m.]: I wish to make a contribution about two aspects of the omnibus Crimes Legislation Amendment Bill. The first relates to amendments to the Mental Health (Criminal Procedure) Act, which are undoubtedly a good thing and most welcome. Amendments to section 31 make it clear that the provisions dealing with persons affected by mental disorders who appear before magistrates apply to bail proceedings. In practical terms, a person who appears to the court to be mentally ill can be taken to hospital for an assessment. Amendments to section 33 extend that regime to authorised officers, not just magistrates. This means that people appearing at out-of-hours courts can be referred for assessment. The best known of such courts is the Bail Court, which operates at Parramatta on the weekend. It is obviously desirable to have a referral as early as possible in appropriate cases. Extending the regime to authorised officers will allow that to happen and is undoubtedly desirable for the administration of justice.

The other significant amendment to the mental health regime is to section 39, which allows a court to release a person on conditions after a finding of not guilty by reason of mental illness. That would not presently seem to be the case following the Supreme Court decision of *Regina v Stephens* 1999 NSW SC 811. The Supreme Court interpreted the current legislation to mean that somebody found not guilty on that basis had to be held in secure custody, which must presumably mean in a gaol or a hospital. That flowed from the term "detained". In many cases that is, of course, completely appropriate. There may, however, be other cases, such as the case of a defendant who has recovered from his or her mental illness and poses no threat to the community, where that is inappropriate. The amendment addresses that situation by expressly allowing a court to make an order releasing a person from custody on appropriate conditions.

The second broad group of provisions I want to deal with relates to sexual offences. The precise provision is in item [6] of schedule 6 to the bill, which proposes the insertion of a new section 65B into the Crimes (Sentencing Procedure) Act. The proposed section would exclude a person convicted of an offence of sexual assault, including offences against a child, from serving a sentence of imprisonment by way of periodic detention. Sexual assaults in those terms does not include things like indecent assault or committing an act of indecency, although that provision applies to those offences in relation to victims under 16 years of age. The major concern that anyone might have about that provision is that it restricts judicial discretion. By explicitly excluding periodic detention, the bill removes one sentencing option. It always concerns me when a discretion of that sort is removed. In essence, it assumes that politicians are so clever and totally all-knowing that they can imagine every conceivable factual situation that might come within the purview of the court. That is an absolutely preposterous proposition.

The reality is that the less severe punishments, such as bonds or fines, have not been abolished so that there is still a way for what might be regarded as less serious matters to be dealt with sensibly if that was proper in an appropriate factual situation. The motivation for the amendment, however, is a little obscure. Section 66 of the Crimes (Sentencing Procedure) Act already provides that periodic detention is not to be ordered if it is not appropriate. Anecdotally, I certainly have not heard of a flood of cases where periodic detention rather than full-time detention has been ordered in those sorts of cases. I also note the references in the second reading speech in the other place to comments from the Court of Appeal that would suggest it would be inappropriate for periodic detention to be ordered. One is, therefore, tempted to speculate why an unnecessary change which does not alter the practical application of the law and which offends against a basic principle has been made.

Ms HODGKINSON (Burrinjuck) [11.32 a.m.]: I note that there are 12 different amendments in the Crimes Legislation Amendment Bill. The main amendments are that the principles and rules of law governing the admission of evidence will not apply to bail applications; a person convicted of a sexual offence against a child under 16, or a sexual assault against any person cannot be sentenced to imprisonment to be served as periodic detention; consistent penalties of two years imprisonment and/or 100 penalty units will apply where a convicted child sexual offender loiters near a school or a public place or is involved in child-related employment; a child complainant in sexual assault proceedings will be exempt from giving evidence in committal hearings; and a recording of a child's complainant's initial investigative interview with police currently can be admitted as that child's evidence in chief. The amendment proposes that a child a must not be present in, or be visible in, or audible to the court by closed-circuit television while the recording is being viewed or heard.

A further amendment will allow police to exclude an interview friend of the suspect who is to be tested if they believe the interview friend might be a co-offender. Further amendments to the Crimes (Forensic Procedures) Act 2000 enable New South Wales to participate in the national DNA database scheme by way of CrimTrac and will facilitate the interjurisdictional exchange of information. One amendment makes it clear that appeals can be made in relation to non-association restriction orders. Another amendment gives the Court of Criminal Appeal the power to quash or vary sentences imposed at trial, whether they be consecutive or concurrent. The amendments to the Drug Court Act will give the court the same range of sentencing options to deal with breach of bond matters as it has with all other matters. The Mental Health Act is amended to give the court an alternative to detention in a hospital or institution for mentally ill and disabled people, thus allowing the court to make orders in the same terms as bail conditions. I will deal with amendment No. 9 in a moment.

I commend the work done by the shadow Attorney-General in relation to this complex bill, which contains diverse amendments. He has obviously done a great deal of trawling through the second reading speech of the Hon. John Hatzistergos to understand the intent of the bill. Having read that speech I can understand where the shadow Minister was coming when he spoke about the bill: it is all over the place and it is hard to make sense of it. The shadow Minister mentioned that in another place an amendment was proposed in relation

to the Crimes (Sentencing Procedure) Act, which the bill amends to provide that a court cannot partially suspend a sentence because it could cause hardship to the offender and difficulties for the Department of Corrective Services in administering the sentence.

The Opposition opposes that amendment. I do not understand why a court should not be able to partially suspend a sentence. The shadow Attorney-General has highlighted several reasons why that sentencing option should not be removed. I agree that the proposal should be removed from the bill, and I support the view of the Opposition in relation to that matter. I note that the amendment will be moved again in Committee in this Chamber. I support the stance taken by the Opposition in relation to this bill.

Miss BURTON (Kogarah—Parliamentary Secretary) [11.35 a.m.]: I support the Criminal Legislation Amendment Bill, particularly the amendments relating to mental health. The interdepartmental committee report on the Mental Health (Criminal Procedure) Act 1990 recommended that the Act be amended so that all bail courts are able to refer mentally ill bail applicants for assessment at hospital. Schedule 13 to the bill amends section 33 of the Mental Health (Criminal Procedure) Act 1990 by providing that an authorised justice, when hearing a bail determination, does have the power to refer a person who appears to be mentally ill to be taken for assessment at a hospital, and may make an order under section 33 to that effect. Section 33 (1D) (a) and section 33 (1D) (b) of the Mental Health (Criminal Procedure) Act 1990 provide that when a person appearing in proceedings before a magistrate appears mentally ill, as defined in the Mental Health Act 1990, a magistrate may make an order to require that person be taken to hospital for assessment.

Unless the person is detained at the hospital—that is, found to be mentally ill and subject to proceedings under chapter 3 of the Mental Health Act 1990—the person is to be brought back before the court. Authorised officers or authorised justices regularly sit out-of-hours and in weekend bail courts, and persons who appear to be mentally ill may be brought before them for a bail determination. Currently, however, it is not clear that authorised officers have the power to refer the person to the hospital for assessment. If the person cannot be referred for assessment to a hospital, often the only alternative is for the person to be detained in a gaol. As honourable members would appreciate, remand centres are extremely hectic, confusing and distressing places for people who are not mentally ill, let alone those who are.

The amendment simply ensures that the authorised officers have the same power as magistrates to order a referral to a hospital for assessment. That allows diversion from the criminal justice system for appropriate offenders at the earlier stage of contact with criminal courts. After a finding of not guilty by reason of mental illness and pending the court's final orders in relation to the person, the court is empowered to order a person's detention or release on such terms and conditions as the court considers appropriate. In relation to interim court orders for a person found not guilty by reason of mental illness, items [6] and [7] of schedule 13 to the bill amend section 39 of the Mental Health (Criminal Procedure) Act 1990. These amendments give the court the discretion to determine the most appropriate conditions for an offender who was suffering from a mental condition when he or she committed an offence.

Section 39 of the Act currently requires the court to order a person who has been found not guilty by reason of mental illness to be detained in a place and manner as the court thinks fit, pending a review and recommendation being made by the Mental Health Review Tribunal. After assessment, the court then makes final orders. The Mental Health Review Tribunal will normally supervise that person, who will be a forensic patient. A forensic patient who has been found not guilty by reason of mental illness will usually be supervised in a non-custodial setting. The courts have interpreted the word "detain" to mean that the person must be held for some time in some form of secure custody—that is, either a gaol or a hospital—pending the referral of the matter to the tribunal.

If the person is no longer deemed to be mentally ill under the Mental Health Act 1990, a hospital would not admit the person, and the person will be sent to prison. That is, a person who may have been mentally ill when he or she committed offences may be treated successfully and recovered from the mental illness following their arrest—for example, they are now taking medication. That applies in cases even when the person has complied with all of his or her bail conditions for the duration of the trial, presents no danger to the community and is not a flight risk.

As a matter of principle, a person who has been acquitted on the basis of a mental illness defence should be the subject of the health and human services system. As a practical matter, gaol would interrupt a rehabilitation program being undertaken by the person with an intellectual disability, mental disorder or other form of cognitive impairment. The amendments proposed by the bill are of a serious nature and are necessary to ensure that mentally ill bail applicants are provided adequate assessment. I commend the bill to the House.

Mr MERTON (Baulkham Hills) [11.41 a.m.]: I commend the shadow Attorney General for doing an excellent job in scrutinising this legislation, which is somewhat complex and diverse. It deals with a range of important aspects of the administration of criminal law and sentencing procedure in New South Wales. Some provisions must be mentioned, but I will not canvass all the details of the bill. I note that the Bail Act is to be amended to make it clear that the principles and rules of law governing the admission of evidence do not apply to bail applications. I read that to mean that a court is to take into account a convicted person's criminal antecedents—that is, the criminal record of the person—when determining whether to grant bail in a particular circumstance.

When I practised in the courts, albeit many years ago, a magistrate would say to a prosecutor, "Is anything known of the defendant?" The prosecutor would then tender a list of the convicted person's criminal record, the antecedents, which would be taken into account by the magistrate in assessing whether to grant bail. I guess the law has moved on since then. I understand there may well be some doubt whether that is correct procedure. This complex bill, as I understand it—and as the shadow Attorney General suggests—will amend the Bail Act to make it clear that the principles and rules of law governing the admission on evidence do not apply to bail applications. For many years it was fundamental to the administration of the general criminal law that an accused person's record of offences was not to be an issue unless the accused put himself or herself forward as a person of good character. If I am correct in my assessment of the legislation, a person's antecedents can be taken into account by a judicial officer in deciding whether to grant a bail application.

The Crimes (Sentencing Procedure) Act 1999 is amended to provide that a person convicted of a sexual offence against a child under 16 years of age or of a sexual assault against any person cannot be sentenced to imprisonment to be served as periodic detention. That is consistent with the Coalition's position on that issue. The Trial Protection Employment Act and the Summary Offences Act are being amended to provide consistent penalties of two years imprisonment and/or 100 penalty units if a convicted child sexual offender loiters near a school or public place or is involved in child-related employment. The Criminal Procedure Act is amended to exempt the child complainant in sexual assault proceedings from giving evidence in committal hearings. This and the next amendment arise from the recommendations of a Legislative Council standing committee. For the sake of the record, I should note that committal proceedings are proceedings before a magistrate, who determines whether there is a case upon which a person must face a trial by jury in the District Court or the Supreme Court, whichever is applicable in the circumstances.

The Evidence (Children) Act 1997 provides that a recording of a child complainant's initial investigative interview with police may be admitted as the child's evidence in chief, and the amendment proposes that the child must not be present in or visible to the court by closed-circuit television while it is viewing or hearing the recording. This amendment seems to make abundant sense. The Crimes (Forensic Procedures) Act is amended to allow police to exclude an interview friend of a suspect who is about to be tested if they believe the interview friend may be a co-offender. Those powers already exist in other parts of the Act, and this amendment is to correct an omission. As I understand it, the proviso is that if police believe that the presence of the interview friend may interfere with the interview, or that the interview friend may be a co-offender, they may exclude that person from being present at the interview of a suspect.

There are other matters that the bill deals with. I will not canvass those in detail. One matter that causes the Opposition concern is the amendment of the Crimes (Sentencing Procedure) Act to provide that a court cannot partially suspend a sentence because it could cause hardship to the offender and difficulties for the Department of Corrective Services in administering the sentence. For many years it was part of the judicial process and sentencing options of magistrates and judges to sentence a convicted person to a term of imprisonment, say three years, but order that after twelve months or two years, or some other portion of that three-year sentence, the remainder of the order for imprisonment be suspended. In other words, a person who might have been sentenced to three years imprisonment might be required to serve only twelve months in jail, with the remaining portion of the prison term being suspended on certain conditions.

That is a worthwhile initiative, because effectively it makes convicted persons their own gaoler. They have every incentive to keep out of trouble because they know if they re-offend they can be require to serve the remainder of the term of imprisonment. That is one step further beyond a good behaviour bond, under which persons undertake to be of good behaviour for stated periods of time, in the knowledge that if they are not of good behaviour they will be called before a magistrate or judge and sentenced. The bill, in providing that a court cannot partially suspend a sentence, takes away an important sentencing option for a magistrate or judge.

In other words, the Opposition believes the judiciary should retain the power to impose a period of imprisonment and order that part of that period be suspended. The Coalition has many other concerns with the

bill, but the shadow Attorney General has dealt with most of them and I do not propose to canvass them again. The Opposition does not oppose the bill, but we are concerned that the option of imposing a partially suspended sentence will not be available to the court. We do not believe that is a step in the right direction. Imposing a partially suspended sentence has been a worthwhile option for a sentencing judge or magistrate, and it should continue.

Ms JUDGE (Strathfield) [11.50 a.m.]: In speaking to the Crimes Legislation Amendment Bill I want to direct my attention particularly to schedule 8, the amendments to the Criminal Procedure Act 1986, and schedule 10, the amendments to the Evidence (Children) Act 1997. The bill makes a number of miscellaneous amendments to the criminal law and procedure in New South Wales. The aim of the amendments is to protect the most important members of our community, our youth and our children, and to ensure that the way in which we deal with them minimises any future potential harm: many of them have already suffered enough. Of necessity, children should be dealt with using techniques that are sensitive to their emotional and cognitive development. Children think and behave differently from adults.

The way children perceive things and react to the world is shaped by their unique experience. Although one could say their perception is not mature, I would suggest it would be better described as different and appropriate to their age. Consequently, the method of interviewing young people or youth must be adjusted to their level to avoid any potential further intimidation, confusion and upset: the method used should be children or youth friendly. The aim should be not to continue a process that could be considered to have a further emotional, physical or spiritual assault on the child. The bill reflects an effort to reduce any further negative impact of such an interview on the child involved. Indeed, the child has suffered enough; the damage has been done. It is widely recognised that child victims of sexual assault face significant hurdles in disclosing their abuse, and their subsequent experience in court can often add to their trauma.

Reports and research findings following the Wood royal commission have emphasised the need to change the way in which we deal with children in the criminal justice system by implementing reforms that assist them to cope with the process of giving evidence. It should be less traumatic for them and, obviously, less traumatic for family members, relatives or support persons who might attend with them on the day. The committal exemption outlined in items [1] and [2] of schedule 8 will give immediate effect to the aim of reducing the number of times a child can be subject to cross-examination and, thereby, reducing the trauma associated with multiple court appearances. It is traumatic enough for adults to have to face a court, but it is even more traumatic for a young person, particularly one who has had a traumatic experience prior to coming to court.

The amendment reflects the recommendations of the inquiry of the Standing Committee on Law and Justice into child sexual assault prosecutions. It acknowledges research findings that suggest that giving evidence at committal hearings can be more distressing for children than giving evidence at trial, because counsel are not restrained in committal hearings by the presence of a jury. Although the amendment seeks to assist children, it will not result in any significant prejudice to accused persons. The existing criminal procedure legislation in New South Wales already creates the presumption that in the vast majority of cases committal proceedings will be conducted on the papers. Although the amendment will ensure that defence counsel cannot cross-examine the child assault victim at committal, the right to conduct a full cross-examination at trial will be retained.

The bill provides an exemption from giving evidence at committal to all children under 18 years of age at the time the committal hearing proceeds, so long as they were under 16 years of age at the time the relevant sexual assault offence was allegedly committed. That age range was chosen because it is consistent with other age ranges that apply to special measures to protect children, such as those found in the Evidence (Children) Act 1997. There may be some cases in which children over 16 years of age, but still under 18, will not be covered by the exemption. However, the number of such cases is likely to be small. Those young people will still be covered by existing protections that create a presumption against calling witnesses at committal in sexual assault proceedings unless special circumstances can be demonstrated.

The amendments to the Evidence (Children) Act 1997 contained in schedule 10 arise primarily from some practical experience gained since the commencement of the Sydney West pilot, a wonderful new initiative. I understand they have been progressed ahead of more comprehensive proposals for reform to clarify existing legislative provisions and because they are considered to be urgent to assist in the smooth running of the pilot. The practice of observing the child's reaction while watching his or her initial police interview being played to the court is not required by existing legislation. It is also completely inconsistent with the aims of reducing

trauma to children involved in criminal proceedings. It has been argued that the practice is a necessary part of the evidentiary process to assist the child's credibility.

However, although observation of the demeanour of a witness plays an important part in assisting a jury to decide whether the witness is telling the truth, the jury should assess the child's demeanour while giving evidence rather than while the child is watching a tape being played to the court. The amendments are designed to improve investigative powers and to improve the administration of the criminal justice system, in particular child sexual assault proceedings. They have been advanced because we believe they are important. We believe in being proactive rather than knee-jerk reactive. The reforms arise primarily from recommendations contained in the November 2000 report of the inquiry of the Legislative Council Standing Committee on Law and Justice into child sexual assault prosecutions. They are also consistent with practical experience since the commencement of the pilot child sexual assault jurisdiction. I commend the bill to the House.

Debate adjourned on motion by Mr McLeay.

BAIL AMENDMENT BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to message of 24 June

No. 1 Page 3, Schedule 1 [2], line 32. Omit "35". Insert instead "35 (2)"."

No. 2 Page 4, Schedule 1 [2], lines 1 and 2. Omit "(if the offence is committed against a person under the age of 16 years)".

No. 3 Page 4, Schedule 1 [2], line 4. Omit "195, 196 ". Insert instead "195 (b), 196 (b)".

Mr TRIPODI (Fairfield—Parliamentary Secretary) [11.58 a.m.]: I move:

That the Legislative Council's amendments be agreed to.

Mr TINK (Epping) [11.59 a.m.]: I make the point that these amendments would not have been necessary if the bill had been drafted properly in the first place. I pay tribute to the honourable member for Liverpool, who foreshadowed the problems that these amendments seek to address. During his speech at the second reading stage on 18 June he stated:

> I must say that I have a serious reservation about this portion of the bill. The definition of "serious personal violence offence" seems to have something very wrong about it. The bill itemises offences under the Crimes Act that are deemed to be serious personal violence offences. A number seem wrong. I do not know whether it is a drafting mistake or that someone is simply going down the wrong path. But people need to have a proper look at the bill and I invite the Attorney to do so.

I suppose the good news is that the Attorney General did so. The bill comes back to this Committee in a changed form. Bills of such a serious nature should not contain fundamental mistakes in definitions such as "serious personal violence offence" or "offender". I express some frustration because I did not pick up the mistake. To be honest, I was concentrating on another aspect entirely: The bill did not cover repeat property offenders.

Generally speaking, it is not the province or the duty of private members to go through the dense detail of bills to pick up mistakes of this nature. Even members with legal qualifications speak in the main about policy issues, and I believe that is the role generally of every member of Parliament. Members ought to be able to reasonably expect that the technical side of the legislation is right. A lot more work must go into bills to ensure that before they hit the table in this Chamber they are in the proper form, at least technically. The Opposition is happy to support the amendments but believes those matters needed to be pointed out.

Mr LYNCH (Liverpool) [12.02 p.m.]: My contribution will be brief. I support the amendments. I acknowledge that they deal largely, but not exclusively, with problems that I dealt with during the second reading debate. The amendments certainly remove from the definition of "serious personal violence offence" offences under section 195 (a), which should never have been considered serious personal violence offences. Section 195 (b) refers to a very serious offence but it certainly does not involve any violence done to another person. I do not cavil with its inclusion in the bill; I am just not sure that it ought to be defined as a serious personal violence offence.

A couple of other amendments were made to match the commitment given in the Minister's second reading speech that the maximum penalty for such offences would be 10 years. A couple of provisions that had a maximum penalty of less than 10 years have been removed from the bill, as they ought to have been. I note that the reference to section 78K remains in the bill. That perturbs me, because I think there will be a plethora of factual situations that could not possibly be regarded as serious personal violence offences. However, I assume that that will be caught up in a review. If my fears are borne out, something can be done about it at a later date.

Mr TINK (Epping) [12.03 p.m.]: I state briefly, lest it be misunderstood, that from a policy point of view the Opposition believes there is a need for ongoing bail law reform, substantially to create a presumption against bail for all repeat offenders, as described in the amending bill that the Opposition has already put before the Parliament. Whereas in this instance the Government proposes to have a more limited category—the Opposition thinks that it is too limited—relating to a serious personal violence offence, it is incumbent upon the Government to get the definition right. That is the context in which I make my comments, but without prejudice to the Opposition's wider concern that the bill does not cover a whole range of repeat offenders who should be covered.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

CONTAMINATED LAND MANAGEMENT AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr GAUDRY (Newcastle—Parliamentary Secretary), on behalf of Mr Debus [12.05 p.m.]: I move:

That this bill be now read a second time.

The Contaminated Land Management Act 1997 provides the regulatory framework for notification, investigation, and clean-up of sites where contamination presents a significant risk to human health and the environment. It also provides for the accreditation of site auditors to ensure that contaminated land is cleaned up to appropriate standards through their independent auditing and that the land is safe to use. The proposed amendments relate, for the most part, to the provisions dealing with the accreditation and ongoing supervision of site auditors by the Environment Protection Authority [EPA] under the New South Wales site auditor scheme. The scheme forms one of the linchpins to contaminated site clean-up in the State.

Contaminated site auditors have as their primary responsibility the protection of human health and the environment. Their integrity and work quality are paramount. There can be no room for compromise in this regard. The EPA's experience with the site auditor scheme over the last five years has made the EPA aware of the need for amendments to the scheme's legislative framework. Performance reviews of auditors' work undertaken by the EPA have made it clear that the scheme as it stands has some gaps. In particular, the EPA's ability to take effective action against an underperforming auditor is constrained by disciplinary grounds that are too restrictive. This is undesirable, as users of the site auditor scheme need to have confidence in the standard of a site auditor's work and that an underperforming auditor can be dealt with decisively and appropriately.

The EPA also needs a better range of tools to be able to strategically manage a site auditor's performance. The bill will provide these tools. The possibility of making changes was first aired in mid-2002, when the EPA issued a public discussion paper on the proposed amendments. The comments received as a result of that paper and subsequent consultation with stakeholders have been considered in the preparation of the bill before the House. The Government's aim through the proposed amendments to part 4 of the Act is to ensure that accredited site auditors are of the highest calibre, and that they maintain a high professional standard during the term of their appointment. The amendments provide the EPA with better means with which to enforce this standard. This will strengthen the community's confidence in the site auditors' work and their conclusions about the suitability of land use.

The amendments will enhance the EPA's discretion to grant and renew accreditation. The EPA will be able to place comprehensive requirements on a site auditor to ensure that his or her attention is focused on crucial aspects of the audit process. The amendments also make it an offence for site auditors to indicate that they can undertake certain types of audits if the conditions of their accreditation exclude them from this work. The EPA will have discretion to refuse an application for accreditation as a site auditor if the auditor's accreditation was revoked in the past two years.

The power for the EPA to issue binding directions to site auditors will now be an express power in the Contaminated Land Management Act. Any conditions or directions made by the EPA can be applied to both statutory audits—those that are required for the purposes of a legislative requirement—and to non-statutory audits—those that are carried out for other purposes. Those provisions can be used to ensure that auditors focus on improving specific areas of their performance in conducting site audits. The proposed amendments make the grounds for revoking or suspending a site auditor's accreditation consistent with the grounds for refusing to renew accreditation.

The existing grounds for EPA action are expanded to include a number of new matters. These new matters include: if a site auditor contravenes a condition of accreditation or a direction; if a site auditor provides false or misleading information in connection with an application for accreditation or renewal of accreditation; if a site auditor's work is of an unacceptable standard; or if there are other relevant matters that make the auditor unsuitable for accreditation. I note that, to ensure procedural fairness, the proposed amendments require the EPA to give notice to site auditors of its intention to revoke, suspend or decide not to renew an auditor's accreditation, specifying reasons and giving the auditor an opportunity to respond to the EPA's decision. The response must be taken into account by the EPA.

The amendments have also given the Government an opportunity to clarify the position in relation to conflicts of interest for site auditors. The clarification will provide clearer guidance for the auditor by more closely defining "conflict of interest". In particular, it prohibits a site auditor carrying out a site audit if it involves the auditor reviewing any aspect of work carried out by the auditor or a person who is related to the auditor. This amendment will assist the users of site auditors, such as land-holders and councils, to have confidence in the independence of the advice provided by the site auditor.

The amendments also make it clear that a corporation may be convicted of the offence of knowingly providing false or misleading information in connection with a site audit. The maximum penalty for the offence is increased to $137,500 in the case of a corporation, and to $66,000 or imprisonment for two years, or both, in the case of an individual. This will standardise penalties for offences that apply to the scheme. Another amendment relates to the site auditor panel. Its role will now focus on advising the EPA about the suitability of new applicants only. The amendment brings the function of the panel into line with the role of the accreditation panel that is used for a similar auditor scheme in Victoria.

Finally, I draw attention to an amendment to part 3 of the Act that does not pertain directly to the site auditor scheme. It will clarify that landowners who are partially responsible for contamination can recover a proportion of their clean-up costs from any other contaminations. The proposed amendments will give the EPA improved power to regulate the site auditor scheme to ensure it continues to be robust and effective. Amendments to the Act will ensure a stronger basis for trust in the site auditors scheme, and in the processes used to evaluate and manage contaminated land. Local government can remain confident that its reliance on site auditors in the planning process has a firm foundation. Industry will be able to make commercial decisions with greater certainty, and the community will have greater assurance that the environment is being protected. I commend the bill to the House.

Debate adjourned on motion by Mr Richardson.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2003-04

Debate resumed from 1 July.

Mr TINK (Epping) [12.15 p.m.]: I will comment first on the budget papers relating directly and indirectly to the Attorney General's portfolio. I raise concerns about the arrangements made for the Office of the Director of Public Prosecutions [DPP]. Budget Paper No. 3, Volume 1, page 4-12 states:

> In February 2002, the Office provided a substantial increase in resources to the Supreme Court to permit additional sittings in May and June 2002, mainly to address the increases in the pending caseload of the Court of Criminal Appeal. This trend of increased caseload is expected to continue in 2003-04.
>
> The Chief Judge of the District Court has initiated two additional trial courts-sittings in Sydney West, to address both the increased number of registered criminal trials during the year and to maintain time standards for the disposition of criminal trials. Given the significant increases in serious criminal matters dealt with in Sydney West, these additional sittings are expected to continue during 2003-04.

In summary, those paragraphs indicate that the demands on both the Supreme Court and the District Court will have significant ongoing impacts on the Office of the Director of Public Prosecutions. That is in addition to another matter raised in the budget papers. The Criminal Procedure Amendment (Pre-Trial Disclosure) Act, which came into force in November 2001, allows the court on a case-by-case basis to impose pre-trial disclosure requirements on both the prosecution and defence in order to reduce delays in complex criminal matters in the Supreme Court and the District Court. That is a good aim, although from what I have heard it appears to be falling far more heavily on the Office of the Director of Public Prosecutions and police than on defendants. The pre-trial disclosure requirements are pressed very heavily on police and prosecutors and far less on defendants. My assumption was always that it would run more down the middle.

For that reason I was astonished to read on page 4-77 of Budget Paper No. 3, Volume 1, Criminal Prosecutions, Crown Representation in Criminal Prosecutions, that the program objective is to provide the people of New South Wales with an independent, fair and just prosecution service. The program description is stated as "The prosecution of indictable criminal matters and the conduct of appeals in the Local, District, Supreme and High Court". Under that program description, funding and personnel are provided for the prosecution of every serious criminal matter in this State. However, I was astonished to find a significant increase in workload identified for the coming year. To put figures to that narrative, in the District Court 2,500 trials were registered in 2002-03, and 2,600 trials are registered in 2003-04. That is an increase of 100 registered District Court trials forecast for the coming 12 months.

In 2002-03, 1,400 matters for sentence were registered in the District Court, and in 2003-04, 1,800 matters for sentence have been registered in that court—an anticipated increase of 400 matters. Last year 1,100 all-grounds appeals were registered, and in 2003-04, 1,200 were registered—an increase of 100 appeals. Last year 6,600 committals were registered with the Local Court. This year 6,800 committals were registered, which is an increase of 200. These budget estimates show that the Criminal Prosecutions Branch of the Office of the Director of Public Prosecutions will have to handle 800 additional matters in the coming year compared to the number handled last year—a significant increase in the workload of that office.

That is all very well, but the next item in the budget papers shows that staff in that office will effectively be cut by 14. In 2002-03 there were 586 staff in the Criminal Prosecutions Branch and in 2003-04 there will be only 572. There is ongoing and unprecedented industrial unrest in the Office of the Director of Public Prosecutions. It is a serious state of affairs. People in that office are well-motivated and professional people who do their best in difficult circumstances. A few months ago prosecutors were actually reduced to picketing outside the court, which is disgraceful. I am not criticising the prosecutors who were forced to picket the court because, in my view, they do not take readily to picketing. I am sure they would have been embarrassed and a little uncomfortable about having to do that. The courts have made adverse comments about some of those prosecutors.

Prosecutors who were picketing and were not in the courts when matters were called were at risk of contempt of court. This situation should never have arisen in the first place. If this picketing occurred before the Treasurer brought down the budget, it was obviously based on an industrial situation that is about to get a lot worse. I know that the Government has a difficult relationship with the Director of Public Prosecutions. I also have a difficult relationship with the DPP. However, in this case the gravity of the problem is being overlooked because of some of the other debates that are going on between the Premier and the Director of Public Prosecutions and between the Director of Public Prosecutions and me. It is healthy to have those debates, albeit I believe they should take place in the context of a parliamentary oversight committee, as occurs in the United Kingdom.

I am concerned that those debates and some of the acrimony that arises from time to time between the Premier and the DPP over budget matters, amongst other things, shields and keeps hidden a real problem for front-line prosecutors. The budget estimates that relate to the Office of the Director of Public Prosecutions are a disgrace. There is no point in having record numbers of police, which is what the Government claims, if prosecutors are not available to prosecute matters adequately and competently. Nothing of any consequence that

those 14,000 police do in this State, such as taking matters before the courts, occurs without going through or being superintended by the Office of the Director of Public Prosecutions. It is the crucial choke point, if you like, in the whole system of justice in this State.

We have a giant pyramid at the bottom comprising 14,000 police, and a much smaller pyramid inverted on the top of that giant pyramid which represents, in the main, the judges and juries of the Supreme Court and the District Court. There is a narrow choke point in the middle—the Office of the Director of Public Prosecutions—where those two pyramids touch. Nothing that police do will be done effectively without going through that choke point. If that choke point is choking as a result of workload problems and problems relating to a lack of manpower, the whole system of justice will be placed at risk. If professional officers in the office of the DPP are overworked, briefs will not be worked out in the way they should be, inquiries will not be conducted, witnesses will not be sought and, worst of all, matters will not be prosecuted and briefs will be sent back to the police because there is no-one to deal with them. This matter is serious.

The crucial conduit through which all prosecutions or police work must pass is being choked with a record number of cases, and the number of people available to handle those cases has been reduced. The Government must recognise that professional people in the Office of the Director of Public Prosecutions must be able to deal with this significantly increased workload. I wish to touch on some other matters that relate to my portfolio. I notice a reference in the budget papers to the Sentencing Council—a Government commitment. I have an open mind in relation to the Sentencing Council, but I am concerned about one issue that it is considering: the idea of doing away with gaol sentences of up to six months. If we do away with gaol sentences of up to six months, we will effectively be rewriting the Summary Offences Act. No member of this Chamber should be in any doubt about that.

Offensive behaviour currently carries a gaol sentence of a maximum of three months. Under the matters that are being considered by the Sentencing Council there will be no gaol penalty for offensive behaviour. Some honourable members might be happy with that provision, but I am not. Obscene exposure currently attracts a maximum sentence of six months. That will be done away with if the Sentencing Council consents to this proposal. Hardly a day goes by without someone in this Chamber talking about graffiti problems in his or her electorate. Possession of spray paint cans currently attracts a sentence of three months in gaol, and violent disorder currently attracts a sentence of six months in gaol. Under this proposal those sentences will go. Many honourable members are concerned about a number of prostitution offences. Under this proposal gaol penalties for those offences will go.

I do not suggest for one moment that gaol penalties should be imposed in every case. I do not believe that the Government can justify doing away with gaol penalties as an ultimate sanction for repeat offenders and introducing a blanket proposal to abolish all sentences under six months. I will observe with interest the way in which the Sentencing Council progresses. However, I believe that the Government is pulling the wrong rein with its idea of abolishing all sentences under six months. Finally, I refer to the Raymond Terrace police station and court complex. Recently the Chief Magistrate took the unprecedented step of issuing a press release in which he stated that the Raymond Terrace court would soon be closed to all custody matters, and that they would be transferred to either Maitland or, in most cases, Newcastle. That will result in enormous dislocation for crime victims and courts in Newcastle, which are busy in their own right. Police would then be required to act as prisoner escorts, or taxi drivers, to transport prisoners to and from Newcastle.

It is particularly infuriating that the Government allocated $2.68 million in the 1996 budget to rebuild the Raymond Terrace police station, the fundamental problem being the adequacy of cells in the police complex to hold those in custody. Not only has that $2.68 million disappeared but the much smaller sum of $500,000—which was talked about airily a few weeks ago when the story blew up in the media in the Nelson Bay and Raymond Terrace areas—seems to have also gone missing from the budget papers. The budget sets aside no money for the refurbishment of Raymond Terrace police station on either a temporary or permanent basis. I believe the complex must undergo permanent refurbishment. If only the cells are refurbished those in custody will still have to be brought through the police station's central interviewing area in order to access the court—I saw the configuration for myself about three weeks ago.

Port Stephens is a high-growth area that—as one can tell from the court lists—faces great challenges in the form of crimes of personal violence. I regret that the court lists are filled with such cases, including applications for apprehended violence orders. It is appalling that victims, police and witnesses must travel in a conga line to Newcastle to have their cases heard. This is a serious matter for the people of Raymond Terrace and Port Stephens, if for no reason other than they expect local police to operate locally; they should not have to

run up and down to Newcastle. There is a big omission from the police capital works budget that relates directly to the Attorney General's Department. There is genuine concern that the court will be closed. Its closure date has been extended to the end of August, but there is nothing in this budget to suggest that that time limit imposed by the Chief Magistrate will not apply. The Chief Magistrate is not alone in his concerns; I have met representatives of the Police Association at Raymond Terrace and they feel exactly the same way about this issue. I suspect that the accommodation at Raymond Terrace police station and court complex is illegal as it does not comply with the guidelines set down by the black deaths in custody legislation. [*Extension of time agreed to*.]

Turning to local issues, I am concerned about the apparent abandonment of the Parramatta to Epping section of the Parramatta to Chatswood rail link, as well as the Government's apparent abandonment of any planning regarding the north-west rail link to Castle Hill. Let us compare this year's budget papers with those of last year. The 2002-03 budget papers state:

> Major transport initiatives under investigation include the North West Rail link from Epping to Castle Hill … The Parramatta to Epping section of the Parramatta Rail Link is also being further considered.

All references to those projects have been dropped from the 2003-04 budget papers. There is no suggestion whatever that such transport initiatives are under investigation. I believe that leaves the project—which I naturally believe should be extended to Western and north-western Sydney—only half finished. I have said before that I believe the Government's actions in this regard are a betrayal. They are a betrayal of Parliament, because we debated the bill that allowed the project to proceed on the basis that the rail link would extend from Parramatta to Chatswood. They are a betrayal of the planning authorities, because the project's environmental impact statement was considered on the basis that the link would extend from Parramatta to Chatswood. They are also a betrayal of the electorate as the Action for Public Transport 2010 Plan issued by the former transport Minister, the current Minister for Roads, stated that the link would continue to be a major feature of transport planning. The Minister maintained that line until after the election, when he lost the Transport portfolio. The plan states:

> Western and North Western Sydney are areas poorly serviced by public transport.

The plan specifically contemplates completion of the proposed Parramatta rail link to Epping and Chatswood by 2006, and completion of the north-west rail link from Epping to Castle Hill by 2010. We have been left with half the project and a potential planning disaster. An article appearing in the *Sydney Morning Herald* of Monday 30 June states:

> More than 50,000 people will work in an area twice the size of the city centre in Sydney's north-west, as the area prepares for its biggest expansion in 40 years.
>
> A draft plan, placed on exhibition on Saturday, renames the Ryde industrial area Macquarie Park and provides for a dramatic increase in workers—from 32,000 to 55,000.

That is all well and good. However, the problem is that a significant number of those people will have to travel from the growing areas in Sydney's north-west, particularly the Rouse Hill development. Anyone who is familiar with that area will know about the constricted access through Beecroft Road and over Epping bridge for through traffic coming from the north-west. That type of jobs growth—which, all things being equal, is most welcome—will be a nightmare if there is no proper transport infrastructure, even on the books, to cater to it. The problem will be solved only if the rail link is extended the full distance to Parramatta and there is advance planning regarding the rail link to Castle Hill in order to ease pressure on commuters from the north-west. Without such infrastructure, commuters from Rouse Hill will sit in traffic for 90 minutes every time they travel to North Ryde. That may sound fanciful, but there are massive problems even on the widened Windsor Road.

I am pleased that progress is being made with the Lane Cove tunnel, but I believe filtration of the tunnel should be a precondition for short-listed tenderers. A similar approach should be taken when considering all future large tunnel projects. I am concerned that the budget makes no provision for the construction of an overbridge at Epping West Public School. This is an issue of longstanding concern. Construction of the overpass was short-listed as a joint government-private sector development proposal, with some of the costs to be met through advertising. However, changes to advertising guidelines made some time ago—I think under State environmental planning policy 64—threw a spanner in the works and the project has not progressed any further. It is a highly dangerous location at which a schoolgirl has died.

A speed camera has been erected and a special speed zone—which is signposted—introduced from 8.30 a.m. to 9.30 a.m. The speed zone should remain in force for half an hour beyond the school's starting

time—which is 9.25 a.m.—but it presently operates for only a further five minutes. This has created a safety hazard. I am frustrated that the Minister for Roads has not seen fit to change that signage, especially as no progress is being made regarding the construction of the overbridge—even though the Minister and Parliamentary Secretaries have told me repeatedly in writing that it is necessary. The Government cannot seem even to get the signage correct—and a speed camera is a poor substitute at that location.

When people drop their children at Epping West Public School the special speed zone applies for only another five minutes, when the norm is half an hour. The only solution is a bridge. People have accepted the idea of a public-private partnership and some advertising, so I do not think that is the issue. The issue is that no progress has been made since the Government changed the advertising guidelines. I know that this problem is not limited to Epping West Public School; some schools in the electorate of Parramatta are also affected. We are waiting for something to happen in relation to a partnership to build these bridges.

I do not know where all the money that is collected in taxes goes, but plenty of money is going into Treasury. For example, in 1995 the median sale price of a house in Carlingford was $235,000, with stamp duty of $6,715. In 2003 the median sale price is $574,000, with stamp duty of $21,320. That is a significant 217 per cent increase, or $14,605. People in Carlingford wonder where their money goes. The overpass has not been built on Carlingford Road—the Government gave a commitment and advanced it as a joint project. Increases in my electorate are far higher in actual dollar terms, but about the same in percentage terms.

For example, in 1995 the median sale price of a house in Beecroft was $333,000, with stamp duty of $10,475. In 2003 the median sale price is $800,000, with stamp duty of $31,490. That is an increase of 200 per cent, or $21,000. In the electorate of the Minister for Police, in 1995 the median sale price of a house in Eastwood was $255,000, with stamp duty of $7,500. In 2003 the median sale price is $630,000, with stamp duty of $23,800. That is an increase of 221 per cent, or $16,000. One way or the other, those areas are not getting services that reflect that level of taxation. In Thornleigh stamp duty on the median sale price of a house has increased by 169 per cent, and in Epping it has increased by 202 per cent. They are massive increases, yet people have no return for that money.

I hope that the Attorney General will reconsider the position of the Office of the Director of Public Prosecutions [DPP]. We have all had disagreements with the DPP, but they should not cloud or hide a fundamental problem in that office, a problem that is not the making of the DPP. The DPP has almost impossible personnel problems, driven by his manpower being squeezed when compared to his case load. Whatever our differences with the DPP, he has a highly competent professional staff who can only do so much. One cannot cut 14 staff from the Office of the DPP and increase his workload by 800 cases. As a result, people who should be found guilty and gaoled will not be, and matters will not get to court because of resource problems and an inability to bring briefs before the court. All the money that is spent on public safety in corrections, policing and the courts comes to nothing if the Office of the DPP is not properly resourced. When one looks at the value of the investment in public safety, infrastructure and personnel, one sees that the percentage investment in the Office of the DPP is minuscule. It probably has the most crucial function in the whole judicial system. The Office of the DPP cannot do without 14 or 15 people. I ask the Attorney General to find them.

Ms JUDGE (Strathfield) [12.45 p.m.]: I speak to the State budget 2003-04. The global economy is very weak. If one is in doubt, one should look at interest rate levels: 1 per cent in the United States of America and 2 per cent in Europe, and they are both likely to fall further in the coming months. In Japan the short-term interest rate is zero. While the drought and the slump in inbound tourism have hurt our export sector in particular, the domestic economy has been travelling very well. Unemployment in Australia is now lower than it is in the United States, and is at its lowest level for some time. The economic engine of the country, New South Wales, has had sound financial management and has been fiscally responsible while maintaining its social responsibility.

One of the fundamental tenets of my membership of the Australian Labor Party is my acceptance of the need for government to provide services and facilities for all, not just for a few. The electorate of Strathfield, which I am highly privileged to represent, is a diverse community in which there exists some polarisation of wealth and opportunity. When residents cast their vote on 22 March they resoundingly gave their support to the Labor Party, and the principles of social justice and equity. With this in mind, I will now speak on the budget for 2003-04, which provides a boost for education, health, police, roads and community services. The budget is characterised by targeted spending in areas that will impact directly on the quality of life of our residents. It will increase the number of nurses, police, teachers and community service workers, to name but a few.

I am pleased that this budget will make a significant contribution to education in New South Wales. Education is surely one of the pillars on which our national identity, economic health, and our social and cultural wellbeing rests. As a former teacher in both secondary and primary schools I understand how important teaching is, and how important good schools and good equipment are for our young Australians. Good public education creates that window of opportunity for some who may never have had it. Education empowers and inspires. It is through education that the ugliness of racism is diminished, and we come to understand and reflect upon the complexities of our society, and evolve culturally, creatively and intellectually. Education also equips us for our professional lives, increasing productivity, efficiency and innovation in Australian workplaces.

Australia leads the world in many areas. Some of the best scientists have come from the Australian education system. It is absolutely vital that everyone, regardless of background and income, has the opportunity to receive the best education society can afford. This budget reflects the important role that education plays in the development of our community, especially the important role of early education. Since 1995 funding for the portfolio has increased by almost $2.9 billion, which is an increase of about 50 per cent. The 2003-04 budget will provide a record $8.7 billion for Education and Training, including $333 million for the construction and enhancement of school facilities. Work will continue on more than 70 major projects commenced in previous years, at a cost of $163 million in 2003-04.

In the electorate of Strathfield, $1.48 million has been allocated for the ongoing upgrade at Strathfield Girls High School, one of the best schools in the inner-west. It specialises in quality and the implementation of the best current practices in education available for our young women. This funding will help deliver better amenities for children in the inner-west, particularly the electorate of Strathfield, which I am trying to look after. Most importantly, the Carr Government has demonstrated its commitment to reducing class sizes in the early years of school, enhancing the quality of teaching, expanding technology in schools, building on key literacy and numeracy programs, installing airconditioning and replacing demountable classrooms. It is through practical steps that we enhance and advance public education—education for all. In today's world, children need far more than great schools and good teachers. Digital resources, such as access to the Internet, have become almost as important as bricks and mortar in education.

I was very pleased to accompany the Minister for Education and Training, the Hon. Dr Andrew Refshauge, on a recent visit to Burwood Girls High School—yet another of the excellent schools in my electorate, in fact almost in the centre of the Strathfield electorate—for the launch of the rollout of 11,250 new computers in the State's high schools. What a great Minister. He is not in some ivory tower; he is out there visiting the schools and talking to the students. He was looking at the computers and asking pertinent questions of students. We were checking out how those computers are anchored to desks by the use of heavy-duty steel locks because, unfortunately, in some areas there are problems with theft and vandalism. We could have said, "Oh, well, too bad. So what?" But we are out there ensuring that these computers are fixed to desks so that they will stay put. It is a tragic reality that sometimes people try to steal computers used by our schoolchildren, who sorely need them. But we are trying to put a stop to those thefts. The commitment of the Carr Government to education has made our public schools thriving community centres, and the initiatives outlined in the 2003-04 budget will only add to this outstanding record.

The health of our education system should be the benchmark by which we measure our commitment to our future. As the Federal Government, in an absolutely disgraceful act, puts increasing pressure on our higher education system, I am glad that public education in New South Wales is in good hands—in Premier Bob Carr's hands. Thank goodness for that. Imagine if John Howard were controlling education in New South Wales; what a sorry scenario that would be. On the whole, we are a very well educated society but, alarmingly and tragically, some people manage to slip through the net and never learn to read and write. This is just not acceptable in 2003. That is why the Education and Training budget over the next four years includes $492 million for the continuation and expansion of the State Literacy and Numeracy Plan. We all take reading and writing for granted but, unfortunately, not everyone has those skills.

We all need to be healthy. During the recent election campaign the Carr Government set out its initiatives to improve health care throughout the State. It committed to tackling the increased demand at the State's hospitals by opening 120 extra emergency beds. The Rapid Emergency Response Teams—of senior doctors and nurses—funded at 19 hospitals, are already reducing waiting times in emergency departments. The Minister for Health, Morris Iemma, has spoken about that matter in this House. This budget reaffirms the commitment of the New South Wales Labor Government to providing free, comprehensive health care to all. In fact, it is the highest expenditure priority in this year's budget. As our ageing population increases, so does the need for health care as well as the cost of health care. Some equipment that our seniors must have for just one

scan can cost several thousands of dollars, but they need that equipment to provide them with good-quality care—whether it be in the form of hospital services, respite care, aged care or specialist services—and the Government is doing its best.

For some time now the need for better co-ordinated services in my electorate has been an issue, and the Carr Government—being proactive, being on the front foot—recognised this. I am pleased to announce again for Strathfield electorate constituents that in February this year construction began on the new Inner West Health Centre in Croydon. The previous member for Strathfield, the Hon. Paul Whelan, also did a lot of work to try to get that facility where it is needed, in the inner-west. The centre will offer a range of services, including early childhood, drug and alcohol, adolescent and family health, nutritional, dental and women's health services, providing the backup support that our specialists and community need so badly.

In addition, Catholic Health Care will develop a 60-bed special care nursing home, a 67-bed aged care facility and up to 110 independent units for the elderly. I would love elderly residents to stay put in Strathfield. When they get to a point where they cannot manage their homes and need specialist help, I want them to be able to stay in Strathfield, in an area with which they are familiar and where they are comfortable and know the local pharmacy, the local church and the local shopping centre. When they have access to services with which they are familiar, they do not feel isolated and alone. That is what this is all about. That is how proactive the Government is. That is the sort of initiative demonstrated time and again by this Government. This measure addresses the needs of the population in the Strathfield electorate, which has a high proportion of seniors, and will provide a convenient one-stop shop for residents in need of health care, whether they be seniors, youth or family groups.

Recent initiatives targeting drug use in non-English speaking communities will be particularly important in my electorate, where around 41 per cent of the population was born in a non-English speaking country. Unfortunately, cancer seems to be everywhere, with this horrible disease expected to touch one in three. The establishment of the New South Wales Cancer Institute, under the guidance and care of Minister Sartor, will go a long way to providing resources to fight this disease, and hopefully finding effective cures for all kinds of cancer. The recent loss of a well-known member of my community, Father Ezekiel of the Greek community, to lung cancer has reinforced my support for the need for focused research in this area. I believe we have a responsibility to our families and communities, as well as the medical and scientific faculties, to do everything we can to be proactive and to support the projects which lead to the successful treatment and eradication of cancer. This institute is the right step, and it is in the right direction.

I also welcome the substantial additional resources the Government has committed to assist older people, people with disabilities and their carers. Carers who, out of compassion, make the decision to assist with the care of people with a disability, mental illness or chronic condition, or people who are frail and aged, face many difficulties. That is why the Carr Government is increasing the budget of the Department of Ageing, Disability and Home Care by $109 million compared with its budget last year. Extra funding will be provided for additional personal care services for people with physical disabilities. A further $11 million has been allocated over the next four years for additional respite care places for people with disabilities and their carers. If we consider ourselves to be a compassionate society, a caring society, a loving society, the work of those who look after people who are unable to care for themselves should not be undervalued. Carers should have access to support and resources that will enable them to meet their own needs socially, financially and personally, so that they are not disadvantaged as a result of these responsibilities, which they so willingly and caringly take on board.

Residents of the electorate of Strathfield are among the most frequent users of public transport in the State. Many catch trains to work each day from one of the six stations in my electorate: Strathfield, Flemington, Burwood, Ashfield, Croydon, Summer Hill and Homebush. Capital investment in the rail system in this budget will total $959 million, an increase of $150 million, or nearly 20 per cent, on last year's budget. We take the rail system for granted, but we need it, and it must be maintained if we are to ensure that our commuters can get safely from point A to point B. Croydon railway station will receive $70,000—not $10,000, not $20,000, but $70,000—to improve passenger facilities. Summer Hill railway station, which is in the wonderful village area, will receive a further $3.6 million to finalise the Easy Access upgrade. The upgrade is being undertaken sympathetically. The whole community supports it—the council, local residents and action groups—because of its wonderful design. It took a long time and many public meetings and discussions, but it will be fantastic when it is finished. I am really looking forward to it!

Debate adjourned on motion, by leave, by Ms Judge.

[*Mr Acting-Speaker (Mr Lynch) left the chair at 1.01 p.m. The House resumed at 2.15 p.m.*]

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Motion by Mr Scully agreed to:

That standing and sessional orders be suspended to provide as follows:

(1) The matter of public importance submitted by the honourable member for Ballina be called on in the routine of business; and

(2) The matter of public importance submitted by the honourable member for Marrickville be called on at 7.30 p.m., with up to 11 additional members to speak for five minutes each.

MINISTRY

Mr CARR: I advise honourable members that during the absence of the Minister for Police, who is attending the Australasian Police Ministers Council meeting in Melbourne, the Minister for Infrastructure and Planning will answer questions on his behalf.

PETITIONS

White City Site Rezoning Proposal

Petition praying that any rezoning of the White City site be opposed, received from **Ms Moore**.

National Accident Scheme

Petition praying that a national accident scheme be established to cover all injured patients, received from **Mr Barr**.

Tallaganda Logging Route

Petition requesting that the Tallaganda Logging Route, part of the Plains Road, Hoskinstown, be sealed, received from **Mr Whan**.

Mental Health Act

Petition requesting that carers be included in the Mental Health Act, received from **Mr Barr**.

Northern Beaches Mental Health Services

Petition requesting increased funding, and no reduction in clinical staff, for mental health services in the northern beaches area, received from **Mr Barr**.

Bus Route 146

Petition requesting retention of bus route 146, received from **Mr Barr**.

Castle Cove Bus Services

Petition requesting a regular daily bus service between east Castle Cove and Wynyard, received from **Ms Berejiklian**.

Redfern and Surry Hills Bus Services

Petition requesting improved bus services in Redfern and Surry Hills, received from **Ms Moore**.

Circus Animals

Petition praying that the House end the unnecessary suffering of wild animals and their use in circuses, received from **Ms Moore**.

BUSINESS OF THE HOUSE

Reordering of General Business

Ms MOORE (Bligh) [2.23 p.m.]: I move:

That General Business Order of the Day (for Bills) No. 3 [Government (Open Market Competition) Bill], standing in my name, have precedence on Thursday 3 July 2003.

This bill will make contracts between government and the private sector available under the Freedom of Information Act. There is a need for reform and this bill is an important step forward. The community justifiably believes that there is too much secrecy and too little openness and accountability in government. A similar law operates effectively in New Zealand, where access to government information is a democratic right and the onus is on those promoting secrecy to prove the need. The New Zealand legislation turns the presumption around so that information is made available unless there is a good reason under the Act to withhold it. Claims of commercial-in-confidence or Cabinet-in-confidence are not enough.

In 1999 the New South Wales Auditor-General urged a similar increased openness, stating that governments had been too willing to hide behind the excuse of commercial-in-confidence when refusing to reveal details of agreements with the private sector. The cost to a public authority of making contracts available for public inspection is negligible. The cost of open government must be balanced against the cost of closed government, when significant time and money are wasted trying to have the documents made available. Open, transparent government is a basic democratic right. The worldwide trend towards more open government is strongly supported by public demand for greater accountability and the New South Wales Government must respond.

The bill aims to make government contracts open, to show where government money goes—it is public money—and to provide a mechanism for enforcement through the Ombudsman's office. Given the comments made by the Opposition in support of the bill when I gave notice of it and given my understanding that the Government intends to refer the bill to the Public Accounts Committee for submission and report, I hope the House will support this bill being reordered tomorrow.

Mr SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [2.25 p.m.]: The Government agrees to the motion.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 51

Mr Amery	Mr Hickey	Mr Pearce
Mr Barr	Mr Hunter	Mrs Perry
Mr Bartlett	Mr Iemma	Dr Refshauge
Ms Beamer	Ms Judge	Ms Saliba
Mr Black	Ms Keneally	Mr Sartor
Mr Brown	Mr Knowles	Mr Scully
Ms Burney	Mr Lynch	Mr Shearan
Miss Burton	Mr McBride	Mr Stewart
Mr Campbell	Mr McGrane	Mr Torbay
Mr Carr	Mr McLeay	Mr Tripodi
Mr Corrigan	Ms Meagher	Mr West
Mr Crittenden	Ms Megarrity	Mr Whan
Mr Debus	Ms Moore	Mr Yeadon
Mr Draper	Mr Morris	
Ms Gadiel	Mr Newell	
Mr Gaudry	Ms Nori	*Tellers,*
Mr Gibson	Mr Oakeshott	Mr Ashton
Ms Hay	Mr Orkopoulos	Mr Martin

Noes, 28

Mr Aplin	Mr Humpherson	Mrs Skinner
MsBerejiklian	Mr Kerr	Mr Souris
Mr Brogden	Mr Merton	Mr Stoner
Mr Cansdell	Mr O'Farrell	Mr Tink
Mr Constance	Mr Page	Mr J. H. Turner
Mr Debnam	Mr Piccoli	Mr R. W. Turner
Mr Fraser	Mr Pringle	
Mrs Hancock	Mr Richardson	*Tellers,*
Ms Hodgkinson	Mr Roberts	Mr George
Mrs Hopwood	Ms Seaton	Mr Maguire

Pairs

Ms Allan	Mr Armstrong
Ms Andrews	Mr Hartcher
Mr Aquilina	Mr Hazzard
Mr Mills	Mr Slack-Smith

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE

Reordering of General Business

Mrs SKINNER (North Shore) [2.33 p.m.]: I move:

> That the General Business Notice of Motion (General Notice) given by me today [The Spit Bridge Widening] have precedence on Thursday 3 July 2003.

The motion of which I gave notice earlier today is in response to an editorial in the *Mosman Daily* regarding David Barr, the honourable member for Manly, who wants to cosy up to the Carr Government. The motion should have priority because, as the editorial of that very fine newspaper stated, he has denigrated the people of the north shore. I advise Government members who laugh at my reference to the *Mosman Daily* that it is the award-winning suburban newspaper in New South Wales. If they want to watch the taking of a good photo that will be published in that newspaper, they should be outside Parliament House at 11 a.m. tomorrow to watch the people of Mosman hand me a petition containing 6,000 signatures opposing the extra lanes on The Spit bridge as proposed by the honourable member for Manly in his cosy deal with the Carr Government.

As the editorial stated, the people of Manly will wake up and vote out the honourable member for Manly, because he surely knows that the extra lanes will not be a solution to traffic problems on the north shore. The Minister for Roads has walked across the Chamber, waving his finger in the air in dismissal of the deaths that have occurred on The Spit hill, of the gridlocked roads, of the thousands of people who turned out for a rally, of the 6,000 people who signed a petition, and of the editorial in the *Mosman Daily*. Referring to the honourable member for Manly, the editorial stated:

> Is he so blinkered by the cash carrot that he simply cannot see how unsafe and unworkable this plan is? …
>
> The unemployed queue would beckon if we had the chance to express at the ballot box about our feelings about your comments.

My motion should be given priority because the $35 million proposal, which will make the problem worse, was considered and rejected by both Manly and Mosman councils. The honourable member for Manly is also a member of Manly Council: his council rejected his proposal. I draw the attention of those in the gallery and honourable members on my side of the House to the fact that he has been prompted by his master, the Government, to jump to his feet. He was told to jump up and stop me speaking because this is so embarrassing to him. That is proof that he has total disregard for the people of the north shore, those who signed the petition, those who have been injured on the roads and those who have to use the gridlocked roads everyday. [*Time expired.*]

Mr BARR (Manly) [2.36 p.m.]: I strongly support this motion being brought on for debate. I relish the opportunity to debate this matter against the lacklustre bunch that calls itself an Opposition. The Leader of the Opposition and the honourable member for North Shore—

The ACTING-SPEAKER: Order! The House will come to order. I will not tolerate disorderly conduct. The honourable member for Manly will be heard in silence.

Mr BARR: I relish the opportunity to debate this matter and put to bed the absolute nonsense that has been peddled by the honourable member for North Shore and other members of the Liberal Party. They are a disgrace. They want to withhold from the people of Manly an opportunity to improve the traffic flow along the northern beaches.

The ACTING-SPEAKER: I call the Deputy Leader of the Opposition to order. I call the honourable member for Gosford to order.

Mr BARR: The Opposition wanted the State election on 22 March to include a referendum on the bridge proposal as opposed to the 6.5 kilometre tunnel under The Spit. Guess what? Which way did that referendum go? They lost, and they are still having difficulty coming to terms with the uncomfortable fact that after 12 years an Independent member still holds the seat of Manly. It is now almost 16 years. I will do all I can to make sure that it is 20 years.

The ACTING-SPEAKER: Order! I call the honourable member for Davidson to order.

Mr BARR: The Opposition proposes to block the first transport initiative for that part of Sydney in almost 50 years. It has nothing to substantiate that opposition, except a half-baked notion of a 6.5 kilometre tunnel, which it claims will cost $950 million. Pigs might fly! The tunnel would cost twice that amount. As far as the councils are concerned, the matter went before Manly Council last week and the vote was tied: six for and six against.

The ACTING-SPEAKER: Order! I call the honourable member for Upper Hunter to order.

Mr BARR: And who used her casting vote? The failed Liberal candidate for Manly! She voted against the proposal. That is the state of play for the Liberals in Manly; they had to use their casting vote.

The ACTING-SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr BARR: I welcome the opportunity to debate this matter and to demonstrate the absolute nonsense put up by those on the other side of the House.

Motion agreed to.

QUESTIONS WITHOUT NOTICE

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PUBLIC SERVICE STAFF UNATTACHED LIST

Mr BROGDEN: My question without notice is directed to the Premier. How many chief executive service and senior executive staff are currently on the unattached list? How many public servants are displaced and what is the annual cost of their salaries?

Mr CARR: I will seek that information and report back to the House.

NATIVE VEGETATION MANAGEMENT

Mr BLACK: My question without notice is directed to the Minister for Natural Resources. What is the latest information on the work and deliberations of the Wentworth group and matters relating to native vegetation management in New South Wales?

Mr KNOWLES: Some days ago it was suggested in a newspaper article that panic land clearing was occurring in New South Wales as a result of the work of the Sinclair committee and the report of the Wentworth

group in the lead-up to the last election. That article was followed up by the standard press release from the Hon. Ian Cohen in another place.

Mr Hartcher: Your allies! You got their preferences.

Mr KNOWLES: The honourable member for Gosford should not talk about Greens deals in Gosford.

The ACTING-SPEAKER: Order! I call the honourable member for Gosford to order for the second time.

Mr KNOWLES: Honourable members will recall that the Sinclair committee was established as new way of developing policy for the management of native vegetation. For the first time, people external to government bureaucracy were invited to participate. They were invited as experts and representatives of their interest groups. That is why today we see farmers' representatives, key environmentalists, key scientists and, in particular, those originally involved in the formulation of the Wentworth report, working with the Government to develop good policy. It is worth recording that that is nothing more than a commonsense approach. Equally, it is commonsense to acknowledge that sometimes the work they do is hard and the decisions they have to make are tough. Sometimes there are no easy answers.

The best way to resolve those sorts of problems is for all parties to work together. In the case of the Wentworth group and the Sinclair committee, key groups specifically asked this Government to provide an opportunity for them to all work together, which is what this Government provided. Recent events and newspaper articles appear to be out of character with the work of that group. Reports of the group's internal workings and discussions were leaked this week in a pretty obvious attempt to position the Sinclair committee as it works towards its conclusions. A leak does not amount to very much in the grand scheme of things. It appears to me and to some other observers that it might represent a return to the old ways of doing business. Everyone knows how that story goes.

A member of a committee, when faced with a tough decision that he or she might not want to make, or when faced with a prospective outcome that does not suit him or her, might try to wind up the process. That committee member might try to leak some material and create a bit of hysteria, mistrust and division, which then becomes the order of the day. We do not need that sort of environment when we have all the players. I use this forum to place on the record that we are all aware of that tactic. I make it clear that people who sit in those groups and people outside the groups who want to come in cannot have it both ways. They cannot demand a process and have it agreed to and, when it gets a bit tough, try to step outside that process. They cannot be both inside and outside the tent at the same time. Nobody wants that. We want the model that we have developed.

The alternative to the Sinclair committee is a return to that old way of doing things. People who have a lot to contribute will be left outside and the decision-making process will be internalised and centrally controlled by bureaucracy. Nobody wants that. We want the Sinclair committee to be effective in its work. I have placed on the record the concerns that I have about the recent performance of some members of that group.

The ACTING-SPEAKER: Order! I call the Leader of the National Party to order.

Mr KNOWLES: People expect to be able to participate in the things that they request. It is worth placing on the record that the figures referred to this week in the newspapers concerning the amount of land clearing that is taking place are accurate. However, the article did not report the fact that the clearing has been undertaken validly and in accordance with existing legislation. The great bulk of the 16,000 hectares of cleared land referred to in the article relates to just two properties—one in the Central West and one in the Hunter. Clearing in the Central West, for example, was for isolated paddock trees in already cleared and cultivated country. It was necessary to implement the latest technology in conservation farm practice. Most people would argue that it is a win for the environment, rather than a further degradation of it—something that was not made clear in the article.

With those two properties making up the bulk of the numbers quoted in the article, it is simply wrong to assert that any panic clearing is taking place while the Sinclair committee goes about its work. The figures relating to applications for statewide clearing should be recorded. Over the past three years land clearing applications have averaged from a low of 7,073 hectares per month in 2002 to a high of 11,156 hectares per month in 2001. This year, based on information handed over from the committee—that is, the number of applications for the first two months—the average was 9,925 hectares per month. That figure places the land clearing being undertaken during the work of the Sinclair committee right in the middle of the bell curve, which is hardly panic clearing.

The most recent information, which was published only today for the year to the end of May, shows that the figures are even less—on average, 6,600 hectares per month, the lowest amount of land being cleared for the past three years. That is hardly panic clearing. That is an affirmation that, by working together, we can get a lot further down the track in our attempt to deal with vexed questions, such as going about the tough job of reconciling the need for economic production and agriculture, the need to preserve native vegetation, the need to maintain land sustainability for future generations and future years of economic production, salinity and all those issues about which people know so much. Everyone understands that the native vegetation issues are complex. I said in the media earlier this week that if the Sinclair committee wants more time to do its job properly, it can have it. We expect all the players—the scientists, environmentalists and key farming groups—to participate in the process and devise solutions. That is what was requested. They cannot have it both ways. In addition to extra time, the committee requires the support of all the players—even when the going gets tough.

GAMING MACHINE TAX

Mr STONER: My question is directed to the Minister for Gaming and Racing. How does the Minister propose to defend his Government's iniquitous tax surcharge on clubs to angry and concerned delegates at this weekend's Australian Labor Party country conference at Tamworth Wests club, who will be justifiably concerned about the impact of the extra tax on their local clubs and their communities?

The ACTING-SPEAKER: Order! I call the honourable member for Gosford to order for the third time.

Mr McBRIDE: Last year New South Wales clubs made poker machine profits of $2.5 billion after paying State tax. To put that in perspective, $2.5 billion is enough to run the NSW Police Force for a year—the police budget issue is raised in this Chamber time and time again.

Mr Stoner: How much do clubs put back into their communities?

Mr McBRIDE: That is a good point because $2.5 billion could also build 33 new high schools. Honourable members continually pursue in this place the interests of their local schools. If the Leader of the National Party is concerned about the community he should be concerned about that.

The ACTING-SPEAKER: Order! Members of the Opposition will come to order.

Mr McBRIDE: There will be a series of gradual tax rises for the top one-third of clubs. Of the 1,300 clubs in New South Wales—

Mr Souris: What about the leagues clubs?

Mr McBRIDE: I will come to that. Only the top one-third of the 1,300 clubs in New South Wales will face gradual tax increases. Those members who represent electorates in country and regional New South Wales where there are small clubs will be pleased to hear that the remaining two-thirds of clubs will pay the same rate of tax or a reduced rate of tax. If honourable members were to look at the scales for the smaller clubs they would see the reduction. The smaller clubs will pay less tax.

The ACTING-SPEAKER: Order! I call the honourable member for Upper Hunter to order for the second time.

Mr McBRIDE: By 2011, clubs' poker machine profits after State tax will have risen to $3 billion. Club profits would certainly be larger without this tax change but, by any standard, they are still significant. I invite honourable members to consider that the State budget totals $34 billion and the club industry's potential profit is $3 billion. Under our plan, two-thirds of clubs will pay no State tax or less tax than before.

Ms Berejiklian: That's not true.

Mr McBRIDE: That is a fact. Look at the tax scales. It might not be a problem on the north shore—

The ACTING-SPEAKER: Order! Members of the Opposition will cease interjecting. The Minister will refrain from responding to interjections.

Mr McBRIDE: I assure the honourable member for Willoughby that other members are concerned about seeing that money spent on State facilities.

The ACTING-SPEAKER: Order! I call the honourable member for Willoughby to order.

Mr McBRIDE: The largest 490 clubs in the State will pay more tax but remain, on average, among the most lightly taxed clubs in Australia. Yes, their tax rates will increase, but they will still be lower than those rates paid by clubs in other States. Last year National Rugby League clubs made a collective profit of $330 million from gaming on which they paid about $40 million in State tax. That means they cleared $290 million.

The ACTING-SPEAKER: Order! I call the honourable member for Upper Hunter to order for the third time. If I have to call him to order again, I will ask the Serjeant-at-Arms to remove him from the Chamber.

Mr McBRIDE: The salary cap is of the order of $3.5 million. As for donations from leagues clubs, those clubs made a clear profit of $290 million. I do not know how many leagues clubs there are in Sydney, but if there are 10, for example, they would each have $30 million to spend on their rugby league teams if they chose to do so.

The ACTING-SPEAKER: Order! I call the Leader of the Opposition to order.

Mr McBRIDE: The budget provides $920 million extra for hospitals, including $530 million to fund pay rises for nurses and other health staff. It includes $330 million to reduce class sizes over the next four years. New South Wales will remain much less reliant on gambling revenues than other States. We all want good clubs, hospitals and schools, and these tax changes are about getting the balance right.

[*Interruption*]

The Leader of the Opposition may laugh, but he will be on that side of the House for a long time. He has failed once; he lost the last election and he will lose the next one too. It will not be long before he goes down the tube like previous Opposition leaders. What happened to the honourable member for Gosford at the last election?

Mr Tink: He won!

Mr McBRIDE: By the skin of his teeth, with Greens preferences.

Mr Stoner: Point of order: My point of order relates to relevance. My question was specifically about the Australian Labor Party country conference. How will the honourable member for Murray-Darling explain to clubs in his electorate why this Government has ripped them off?

The ACTING-SPEAKER: Order! There is no point of order. The Leader of the National Party will resume his seat.

Mr McBRIDE: It is about getting the balance right: providing first-class State government services in New South Wales and maintaining a unique club industry.

HOSPITAL INTENSIVE CARE UNITS

Ms GADIEL: My question is directed to the Minister for Health. What is the latest information on intensive care beds in New South Wales public hospitals?

Mr IEMMA: I thank the honourable member for Parramatta for that question and for her continued interest in intensive care beds and resources in public hospitals. Each year almost 200,000 surgical procedures are performed, including tonsillectomies, hip replacements, gall bladder removals and cancer surgery. Our nurses and surgeons do an outstanding job, particularly in providing critical care. Some procedures, such as heart bypasses, abdominal aneurysm surgery and liver and pancreas transplants, are highly complex. Half of intensive care unit activity is devoted to planned surgery patients and the other half is devoted to caring for emergency patients.

In New South Wales about 500 intensive care beds operate at any one time. Intensive care units provide close monitoring of patients, around-the-clock intensive nursing care and life support systems. Vital signs are

measured and monitored around the clock. In many ways, the care received in intensive care beds is an example of our health system operating at its best. The intensive care doctors and nurses in our system are highly qualified and dedicated individuals. That is why three years ago the Government engaged the services of intensive care specialist doctors and nurses to develop a plan for better care and to meet the increased demand for intensive care services. The working group was led by some of our best intensivists: Professor Malcolm Fisher, Dr Therese Jacques and intensive care nurse specialist Kate Needham. Their work resulted in the intensive care service plan. This plan, which has been endorsed by the Government, establishes the following initiatives: a network of intensive care beds; better co-ordination of bed use between intensive care units; more beds to meet increased demand in growth areas; the appointment of a specialist director for each intensive care unit—

The ACTING-SPEAKER: Order! There is too much audible conversation on the Opposition benches.

Mr IEMMA: The plan also involves providing extra resources for intensive care units and, most importantly, linking rural hospitals to metropolitan intensive care units. As a result of the plan, in the past three years there has been an increase of 32 intensive care unit beds across New South Wales. The implementation of the plan has resulted in our hospital system meeting the intensive care bed target ratio of 4.8 per 100,000 people. Meeting the target has meant a 50 per cent reduction in patient transfers between hospitals. Put simply, that means that more patients are receiving quality treatment and are being treated closer to home. In particular, improvements have been made for patients at Hornsby and Liverpool hospitals and across the Wentworth Area Health Service, which covers the Blue Mountains. It has also meant more intensive care beds being made available, and such an improvement benefits the entire hospital system.

Today I am pleased to announce the next stage of the intensive care service plan. An additional $3 million will be provided for continued support of the plan developed three years ago. That allocation will mean more beds, specialised staff and equipment. The funding will go to Wollongong, Bankstown, Tamworth, Campbelltown, John Hunter, Nepean and Orange hospitals. There will be more intensive care beds, extra specialist nurses, more equipment for existing facilities and additional senior doctors. In addition, $300,000 will be allocated to our Medical Retrieval Unit, which is a highly specialised unit that co-ordinates the transport of patients with serious injuries and illnesses by road or air ambulance, and often from rural areas. I am proud to say that our intensive care staff and the units they run are among the best in the world. I place on record my appreciation, and that of the Government, for the work done by the three people who developed the plan, and everyone else who works in our intensive care units in our public hospitals across the State. Their efforts deserve to be acknowledged and their plans deserve to be supported. We will continue to back them with the resources they need to continue to provide quality care.

BERRIMA CORRECTIONAL CENTRE FUNDRAISING MONEY

Mr HUMPHERSON: My question without notice is directed to the Premier. How did more than $2,000 of charity fundraising money vanish from a supposedly secure safe, in a secure section of a secure prison at Berrima? Why did the Government not know about the loss for four months? What other valuables, including cash, mobile phones and drugs have also gone missing from secure prison areas such as Berrima Correctional Centre over the past 12 months?

Mr CARR: I do not know.

MATURE WORKERS PROGRAM

Mr ORKOPOULOS: What is the latest information on measures to help mature-age people secure work?

Dr REFSHAUGE: I thank the honourable member for his interest in the needs of mature-age workers.

The ACTING-SPEAKER: Order! I call the honourable member for Murrumbidgee to order.

Dr REFSHAUGE: This Government has worked very hard to deliver more jobs for people of all ages and in all regions across this State. In fact, since 1995 more than 400,000 jobs have been created. While unemployment remains relatively low at 6.1 per cent, more can always be done, especially for our mature-age workers. Often mature-age workers cannot find work for no other reason than the fact that they are older members of our society. According to the Australian Bureau of Statistics, an estimated 43,000 people in New

South Wales are aged over 45 and are looking for work. Many of those people have been absent from the work force for many years, and may lack the skills or the confidence to get a job. People over 40 years of age who look for work in this State will not be left behind. Our commitment to them stays strong.

The ACTING-SPEAKER: Order! Two members of the Opposition are on three calls to order. I now place all remaining Opposition members on two calls to order. They should pay attention to the Minister's answer.

Dr REFSHAUGE: People over 40 years of age will be able to get support, advice and training through one of the 65 projects that are funded through our Mature Workers Program. These projects are run by local community groups, which involve local people who know the particular needs of the older people in their region, their suburb or town. All not-for-profit community groups will receive $3.9 million during the next 12 months. The honourable member for Myall Lakes ought to be aware that an organisation in his area will get two grants, one in Myall Lakes and one in Taree. I expect that he will be on Max-FM again early in the morning. Remember Max-FM is the radio station the honourable member does not know exists. As can be seen here, it does exist.

The ACTING-SPEAKER: Order! I remind the member for Myall Lakes that he is on two calls to order.

Dr REFSHAUGE: If he turned up at the Nabiac fun run he would be able to support them.

The ACTING-SPEAKER: Order! I call the honourable member for Myall Lakes to order for the third time.

Dr REFSHAUGE: They seem to know what is happening in this place more than he knows what is happening in his electorate.

[*Interruption*]

The ACTING-SPEAKER: Order! The honourable member for Myall Lakes has been called to order three times. I ask the Sergeant-at-Arms to remove him from the Chamber for the remainder of question time.

Mr Tink: Point of order: How can you remove the honourable member for Myall Lakes when the Deputy Premier, the second most senior member of Parliament in this State, flouts repeated rulings about using a prop. That is a double standard. If you are going to remove the honourable member for Myall Lakes the Deputy Premier should also be removed.

The ACTING-SPEAKER: Order! The honourable member for Epping will not challenge my rulings. The honourable member for Myall Lakes will leave the Chamber and the honourable member for Epping will resume his seat.

[*The honourable member for Myall Lakes left the Chamber, accompanied by the Serjeant-at-Arms.*]

Mr Brogden: Are you going to rule?

The ACTING-SPEAKER: Order! I have ruled on the point of order.

Mr Brogden: How?

The ACTING-SPEAKER: Order! There was no point of order.

Dr REFSHAUGE: Max-FM ran a very successful fun run to raise $14,000 for the children's ward of the local hospital and also for the children's ward of Westmead hospital. Maybe the honourable member for Myall Lakes can do a bit of a run now to get money for the local children's hospital.

Mr Scully: You'll go too, Brogden, if you don't shut up.

Mr Tink: Point of order: I ask you to call the Leader of the House to order. If you do not, members of the Opposition will draw the conclusion that you are acting under his instructions. That disgraceful remark calls into question your chairmanship of this House. It calls into question your leadership. It calls into question your impartiality.

The ACTING-SPEAKER: Order! There is no point of order. The honourable member for Epping will resume his seat.

Mr O'Farrell: Point of order: If there is no point of order taken by the honourable member for Epping, what is the point of having validity in the standing orders. Today you have allowed Government members to interject on the honourable member for North Shore and yet when a member of the Government makes a speech members of the Opposition are called to order. Today you have put us on two and three calls to order and that dope over there, the 3D Minister—death, destruction and despair—goes without punishment in this place.

The ACTING-SPEAKER: Order! That comment was unnecessary.

Mr O'Farrell: It is simply unacceptable—

[*Interruption*]

The ACTING-SPEAKER: Order! I have made my ruling. The Deputy Leader of the Opposition will resume his seat. I call the Leader of the Opposition to order for the second time.

Mr Brogden: Have you ruled on the point of order?

The ACTING-SPEAKER: I have.

Dr REFSHAUGE: Obviously, today members of the Opposition have no questions and have decided to disrupt the proceedings. The Opposition is bereft of questions.

Mr TINK (Epping) [3.08 p.m.]: I move:

That the honourable member for Marrickville be not further heard.

The House divided.

Ayes, 27

Mr Aplin	Mrs Hopwood	Mrs Skinner
Ms Berejiklian	Mr Humpherson	Mr Souris
Mr Brogden	Mr Kerr	Mr Stoner
Mr Cansdell	Mr O'Farrell	Mr Tink
Mr Constance	Mr Page	Mr R. W. Turner
Mr Debnam	Mr Piccoli	
Mr Fraser	Mr Pringle	
Mrs Hancock	Mr Richardson	*Tellers,*
Mr Hartcher	Mr Roberts	Mr George
Ms Hodgkinson	Ms Seaton	Mr Maguire

Noes, 52

Mr Amery	Ms Hay	Mr Orkopoulos
Mr Barr	Mr Hickey	Mr Pearce
Mr Bartlett	Mr Hunter	Mrs Perry
Ms Beamer	Mr Iemma	Dr Refshauge
Mr Black	Ms Judge	Ms Saliba
Mr Brown	Ms Keneally	Mr Sartor
Ms Burney	Mr Knowles	Mr Scully
Miss Burton	Mr Lynch	Mr Shearan
Mr Campbell	Mr McBride	Mr Stewart
Mr Carr	Mr McGrane	Mr Torbay
Mr Corrigan	Mr McLeay	Mr Tripodi
Mr Crittenden	Ms Meagher	Mr West
Ms D'Amore	Ms Megarrity	Mr Whan
Mr Debus	Ms Moore	Mr Yeadon
Mr Draper	Mr Morris	
Ms Gadiel	Mr Newell	*Tellers,*
Mr Gaudry	Ms Nori	Mr Ashton
Mr Gibson	Mr Oakeshott	Mr Martin

Pairs

Mr Armstrong	Ms Allan
Mr Hazzard	Ms Andrews
Mr Merton	Mr Aquilina
Mr Slack-Smith	Mr Mills

Question resolved in the negative.

Dr REFSHAUGE: In the past 12 months more than 4,500 people have found jobs or gone on to long-term training through the Government's Mature Age Workers Program. That represents a success rate of more than 41 per cent across the State, a very credible conversion rate for our over-40s looking for work. This success has also been achieved at a very economical rate—an average of $910 per job for city-based clients and just over $1,000 for country-based clients. When one compares it with the Commonwealth's Jobs Network, one realises just how cost effective our Mature Age Workers Program is.

Estimates show that it costs Jobs Network up to six times more to find a mature-age person a long-term job than it does under this Government's Mature Age Workers Program. And Jobs Network has the same success rate. This is said, not in any sense to undermine the work of Jobs Network, but to highlight particularly what the New South Wales Government gets for using the not-for-profit organisations. Over the next 12 months, through 65 mature worker projects, we expect to help more than 11,000 people into jobs. I would hope that all members of this House would support organisations that are doing such a great job in helping people over the age of 40 to find jobs in this community.

BUSINESS LINK CORPORATE SERVICES

Mr GEORGE: My question is to the Premier. Given the Government's intention to have New South Wales Business Link provide corporate services to the Department of Community Services, the Department of Ageing, Disability and Home Care and the Department of Housing, will the Premier give his guarantee that no jobs will be lost to regional areas affected by this initiative?

Mr CARR: The Government is putting more money into services. The budget we have just brought down inflates allocations to country New South Wales. It is a bigger proportion of the budget than ever before.

The ACTING-SPEAKER: Order! I call the Leader of the National Party to order for the third time.

Mr CARR: I am very proud of what our budget and our restructuring do for country New South Wales.

The ACTING-SPEAKER: Order! I call the Leader of the Opposition to order for the third time.

Mr CARR: So, too, is the National Party. In a joint press release, distributed from the office of the Hon. Melinda Pavey, MLC, it was written and declared:

> The Member for Myall Lakes and the Member for Oxley have emerged clear winners in delivering infrastructure and investment to their local communities out of this week's budget.

It further stated:

> In Oxley, we see $34.4 million for Kempsey Gaol, $2.6 million for Frederickton School, $1.8 million for Kendall School, $3.8 million for Pacific Highway upgrade planning at Kew, Kempsey and Macksville, $500,000 for—

[*Interruption.*]

They are protesting about their own colleagues.

The ACTING-SPEAKER: Order! I call the honourable member for Coffs Harbour to order.

Mr CARR: Then the honourable member for Myall Lakes—

Mr George: Point of order: My point of order is one of relevance. My question was whether the Premier would guarantee that no regional jobs would be lost in this situation.

The ACTING-SPEAKER: Order! As the honourable member for Lismore knows, I do not have the power to direct the Premier how to answer the question. He is answering the question he was asked.

Mr CARR: We are all about increasing front-line services with less bureaucracy. Home and Community Care funding is up in this year's budget by 14 per cent, which is one of the areas the honourable member nominated. It is no wonder the honourable member for Myall Lakes went on in his joint press release to say, "This is on top of $200,000 for the $5 million refurbishment of the Bulahdelah Central School." "This means that in Oxley and Myall Lakes we have funding for specific projects to the amounts of $44.05 million and $83.34 million respectively," Ms Pavey said. Money for the country out of a Labor budget!

The ACTING-SPEAKER: Order! I call the Leader of the Opposition to order.

Mr CARR: It is no wonder that National Party members of Parliament are telling their local media, including the local radio stations, how well their communities are doing out of the Labor budget. It was terrific to get the poem the honourable member for Barwon wrote and read out at the National Party Conference, especially this verse—

Mr Stoner: Point of order.

Mr CARR: I could entertain the House for a little longer, but I might save that for another question.

The ACTING-SPEAKER: Does the Leader of the National Party wish to continue with his point of order?

Mr Stoner: Yes. Standing order 138 relates to relevance. The question was clearly about Business Link, which will take jobs out of towns like Lismore and Kempsey.

The ACTING-SPEAKER: Order! I have already ruled on that point of order.

BETFAIR UNITED KINGDOM BETTING EXCHANGE

Ms HAY: My question without notice is to the Minister for Gaming and Racing. What is the Government's response to community concerns about the United Kingdom betting operation known as Betfair?

Mr McBRIDE: I have been concerned for some time about the operation of betting exchanges in Australia, in particular the Betfair model from Britain. I believe this type of betting poses a great risk to both punters and the racing industry. Currently we have access to what is arguably one of the best and safest wagering services in the world. The Carr Labor Government has worked hard to maintain the integrity of betting in New South Wales. We have a system that is internationally acclaimed. I am not convinced that betting exchanges, like the United Kingdom-based Betfair operation, is in a position to match the high standards set by the New South Wales wagering system. I have concerns about granting potential operators a license in Australia.

I am also concerned that betting exchanges will not contribute significantly to the New South Wales racing industry. They could undermine its integrity and reduce revenue. Betting exchanges make little, or no, contribution to the local racing industry. In turn, this will affect the number of jobs and services provided to New South Wales punters by our local racing industry. Currently, 50,000 people are employed in the New South Wales racing industry and, as Minister, I want to see it grow and improve, not suffer. I am not the first Minister to express reservations about betting exchanges. My colleagues in France, Hong Kong, Japan, the United States of America, Denmark and the Netherlands have concerns about betting exchanges.

The United Kingdom has been the only country to embrace such exchanges, but many there are now starting to have second thoughts. Betting revenue for this year in the United Kingdom is forecast to fall significantly. I will discuss my views with my State counterparts when the report from the interstate task force is released. We need a united approach to ensure that we send a clear message to potential operators that their financial interests will not come ahead of our industry in New South Wales. I stress also that the Government will not endorse any proposal that would result in a major expansion of gambling in New South Wales. As Minister I will consult the community and industry groups before considering any major change to wagering in New South Wales.

TUNNEL FILTRATION

Mr ROBERTS: My question without notice is to the Minister for Roads. Will the Minister assure the House that, in light of recent health and scientific studies, the Government will immediately undertake to filter all existing tunnels and all proposed tunnels in the metropolitan area?

Mr SCULLY: Recently I had quite a productive meeting with representatives of Lane Cove Municipal Council. I do not know where the honourable member was; why did he not come to the meeting? This is an inclusive Government—I had a meeting with Willoughby City Council and the honourable member for Willoughby, and I have probably had more meetings with Residents against Polluting Stacks than any other interest group. Following three upper House committee inquiries that went on and on about filtered tunnels in Norway I sent some people to Norway, which has hundreds of road tunnels.

Only six of those tunnels have electrostatic precipitators, and of those six there is only one that works now and then because of dust that forms on steel-studded tyres that are installed on many Norwegian vehicles because of slippery roads. No sooner had we dismissed Norway as an example for the use of electrostatic precipitators than the committee said that they are used in Japan. I said that I would not send Roads and Traffic Authority personnel halfway around the world chasing these concepts. I will not spend tens of millions of dollars on public money on a high-tech placebo.

Mr Roberts: Point of order: To assist the Minister, Lane Cove Municipal Council offered to bring those people from Japan to Australia.

The ACTING-SPEAKER: Order! There is no point of order. I am sure the Minister needs no assistance.

Mr SCULLY: Lane Cove Municipal Council brought with them Professor Ray Kearney, who put some interesting views. I said that I was happy to have the air services research tested and reviewed. As I said, this is a Government that does not mind being held to account. It is transparent. But let us deal with this once and for all. I acknowledge that it is superficially attractive to put filtration stacks on motorways, if one has a spare $200 million. I will get it from the money tree out the back, or go to the Treasurer and ask him to give me a spare $200 million and we will install these things. If they worked, I might think about it. But oxides and nitrogen are not taken out by electrostatic precipitators, nor are all particulates taken out by electrostatic precipitators.

Placebos are good. There is nothing wrong with them. We like to give placebos to the other side so that it feels good. But if I am to take $200 million from cancer research, Health, native vegetation, Police or other parts of the Roads budget I have to be satisfied that it is a sensible use of money. This is an interesting debate and I am prepared to continue it. But we have to get the message clear and concise: electrostatic precipitators do not work. If someone can demonstrate to me that they make a difference then I am happy to install them. But until such time, I am sorry, I have to say to the honourable member for Lane Cove and others that they will not be installed in our motorways.

However, we are building stacks that are capable of retrofitting. That is an important condition. I know that the Minister for Infrastructure and Planning has made sure that conditions of approval on the M5 East project prescribe that the stacks are built to facilitate retrofitting of electrostatic precipitators if, in the future, they are developed in a way that enables them to work. One matter that the Opposition chooses to ignore about the Lane Cove tunnel is that, like most tunnels, it is actually better for air quality for vehicles to travel along motorways rather than on a congested road network

[*Interruption.*]

The honourable member for North Shore cannot even find Epping Road, let alone Parramatta Road. It makes sense that with free-flowing traffic along motorways, without the stop and start associated with scores of traffic lights, the quality of the air will be improved. But that is never talked about. In Western Sydney motorists who use the Western Sydney Orbital will be able to avoid 56 sets of traffic lights, and there will be a huge improvement in air quality. Anyone who travels along Epping Road and does not believe the tunnel will improve air quality must come from another planet. There are three things to remember: First, motorways improve air quality; second, electrostatic precipitators do not work; and third, I am happy to engage in some of the nonsense propagated by the Opposition.

Mr ROBERTS: I ask a supplementary question. Will the Minister be happy to meet with any Japanese experts that the Lane Cove council brings to a conference?

The ACTING-SPEAKER: Order! That is not a supplementary question. It does not arise from the Minister's answer.

YOUTH JUSTICE CONFERENCING

Mr MORRIS: My question without notice is directed to the Minister for Juvenile Justice. What is the latest information on conferencing and young offenders in New South Wales?

Ms BEAMER: Juvenile Justice is a very complex and, unfortunately, very emotive issue. The Department of Juvenile Justice has the responsibility of dealing with young offenders from 12 to 18 years of age, that is, young offenders who are first dealt with by the police and/or the courts, and young men and women in post-release programs. Through this Government's programs of warnings, cautions, youth justice conferences and support programs, we are providing various options to detention. Those options break the cycle of detention, release, reoffence and detention.

I inform the House of the success of two key programs. Youth justice conferencing is available to both police and the courts and as an alternative to court proceedings and/or detention. It requires young offenders to admit the offence, face the consequences of their crime, acknowledge and witness the hurt and harm that they have caused, and then take part in the development of an agreed course of action—an outcome plan that provides the victim with a link to the young offender and to support services.

Participation in youth justice conferencing is not a soft option: It is a confronting experience. Victims can tell their story and convey their feelings of anger and loss. The Bureau of Crime Statistics and Research has found that young people who participate in youth conferencing spend more time out of trouble than those who are dealt with by the courts. In fact, the program of warnings, cautions and conferencing has resulted in a 30 per cent reduction in the number of young offenders who appear before the courts. In 1998, 13,672 young offenders appeared before the courts and in 2002 that number decreased to 9,486, which represents a 30 per cent reduction.

A study conducted by the University of New South Wales concluded that 91 per cent of young offenders who participated in conferencing found that the process encouraged them to obey the law in future. Research shows that participation in a youth justice conference reduces the probability of reoffending, especially in the area of property crime and violent crime. This has been accompanied by a 24 per cent reduction in the number of young offenders who are in custody, and 90 per cent of referrals that proceed to conferencing have resulted in young offenders successfully completing their outcome plans. In youth justice conferencing there is also success for the victim—often the forgotten person in crime. Evaluation results show a high level of satisfaction from victims of crime who participate in conferencing. For example, a victim of a serious assault who participated in a youth justice conference said of her offender:

> It would have been easier for her, the offender, to go through the court... I can tell you, after being in the room with the [young] girl involved... I wouldn't have wanted to be in her shoes. If anybody says that's not punishment, it definitely was for her.

I commend the efforts of conference conveners, community support services, police and those involved in making conferencing work. Another program to which I wish to draw the attention of the House is Our Journey to Respect, which was recently released in community detention centres. The program was developed by the Aboriginal communities to find a way in which young Aboriginal offenders could break the cycle of a need to have power and replace that with a need for respect. One young gentleman who has been involved in the program in Acmena Juvenile Justice Centre has found that participants are able to not only go through the program successfully but are also able to help young Aboriginal offenders through the process, to break the cycle of violence within their family life and replace that with respect. These programs are just two of the initiatives that we are progressing in the juvenile justice area. I thank the honourable member for his question.

CRONULLA SEWAGE TREATMENT PLANT

Mr SARTOR: I have a supplementary answer to a question asked of me by the honourable member for Wakehurst on 26 June 2003. The question was:

> On 27 and 28 April, and again on 14 May, the Cronulla sewage treatment plant saw a total failure of the entire ultraviolet disinfecting system, non-compliance with Environment Protection Authority [EPA] standards, and an urgent shutdown of the system to protect the plant and employees. Why has the Minister covered up the mismanagement of the plant's upgrade?

I make the point at the outset that the question gave the impression that some monumental environmental problem occurred at Cronulla. In fact, I refer the House to an independent report, the annual report of the Environment Protection Authority [EPA] for the year 2001-02, which states:

> In recent years, the beaches of the Sutherland Shire have been the most polluted in Sydney; but all that has changed! During the 2001-2002 season, all but one of Sutherland Shire's beaches have ranked equal first amongst all the beaches monitored in Sydney, the Hunter and the Illawarra.
>
> The reason for the marked improvement in the water quality has been the upgrade of the Cronulla Sewage Treatment Plant.

The report goes on to state:

> The upgrade has also changed the way Beachwatch reports water quality in the area. No longer do daily Beachwatch bulletins carry a specific warning of pollution from the Cronulla Sewage Treatment Plant cliff-face outfall. Instead, the beaches are considered among the cleanest in Sydney.

The other imputation in the question was that there was some sort of cover-up. I remind the House that it is a typical condition of licensing that is imposed on sewage treatment plants, on networks and on Sydney Water, that all wet weather overflows have to be posted on the organisation's web site. In fact, in relation to the operating licences for the Cronulla plant, clause R4.1 of Sydney Water's operating licence specifically states that all wet weather overflows have to be posted on the organisation's web site. The web site shows that for this period there were postings of wet weather overflows from the Cronulla sewage treatment plant on 28 April, 1 May, 25 May, 26 May and 27 May.

There is a clear pattern of continuous disclosure of wet weather overflows from the Cronulla Sewage Treatment Plant. Therefore, the claims of the honourable member for Wakehurst are groundless. One overflow—that of 17 May—was not posted to the Sydney Water web site. However, the event was reported to the Environment Protection Authority, as required under the licence. Senior management is investigating why there was an error by the web site administrators. The Cronulla Sewage Treatment Plant is a tertiary treatment plant, which means it has primary, secondary and tertiary treatment. It also has an ultraviolet disinfecting system. The capacity of the primary stage of the plant and the ultraviolet disinfecting system is much greater than the capacity of the secondary and tertiary stages of the plant.

I am advised that the overflows related to heavy rainfall, which led to a bypass of the secondary and tertiary stages of treatment on some occasions. Also, there were technical problems with the ultraviolet process. The contractors who built the plant are responsible for providing design solutions to prevent a repeat of those events. It is important to note that the discharges were of primary treated effluent, consistent with the level of treatment at Malabar, North Head and Bondi. Raw sewage was not discharged into the ocean. It was not a catastrophic event. Although not ideal, overflows will occur in wet weather. Generally, it is part of the design of all of our sewage treatment plants that from time to time wet weather overflows will occur. In mid May 325 millimetres of rain were recorded in the Cronulla area—the heaviest ever recorded. Sometimes during wet weather stormwater infiltration can lead to flows of up to five times the normal level. Sydney has 44,000 kilometres of sewer pipes, of which 22,000 are the responsibility of Sydney Water and the balance are privately owned.

The State Government is spending $2 billion over 20 years to repair, realign and clean sewers to reduce infiltration, but there is much work to be done. Wet weather overflows will continue, and we are working to address them. They are not unexpected events, given the current capacity of the plants. Over time it is desirable that overflows be reduced. The process was transparent; there was no environmental damage. As has occurred previously, the question of the honourable member for Wakehurst was clearly wrong.

Questions without notice concluded.

ILLAWARRA INNOVATIVE INDUSTRY NETWORK

Ministerial Statement

Mr CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [3.42 p.m.]: In the Illawarra there has been an innovative marriage of old and new: traditional industries are being taken to the world via the Internet. I refer to the web site *www.i3net.com.au*. The 12 companies that make up the Illawarra Innovative Industry Network use the worldwide web to promote their skills and experience. Some major infrastructure projects that the companies have worked on include the Sydney

Olympic Stadium complex, the Sydney Harbour Tunnel, the upgrade of Sydney airport, the number six blast furnace at the Port Kembla Steelworks and two offshore oil rigs. They are impressive credentials, and each company has contributed to the success of the Illawarra and of New South Wales.

Countries to which those companies export include Bangladesh, Indonesia, the Philippines, Brazil, Iran, Singapore, Britain, Kenya, South Africa, China, Malaysia, Saudi Arabia, Guatemala, Mexico, Thailand, Hong Kong, New Zealand, the United States of America, India, Nigeria and Vietnam. Now, thanks to the new web site, people from all over the world will be able to tap into those innovative Illawarra firms and see for themselves the level of skill and commitment that is on offer in the region. Instantly they will be presented with comprehensive information that promotes the Illawarra's manufacturing and engineering industry sectors. The web site means that the Illawarra Innovative Industry Network is selling the region's innovative capabilities to the world. The Illawarra Innovative Industry Network, which is supported by the New South Wales Government, was set up in 2001 to help local businesses establish new markets through networking, sharing experiences and pooling resources. The network is to be commended for its foresight and willingness to use new technology to further promote the Illawarra's traditional industries.

Ms SEATON (Southern Highlands) [3.44 p.m.]: I am familiar with the Illawarra Innovative Industry Network's web site, *www.i3net.com.au*. I join the Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business in congratulating the Australian industry group and all component businesses that have put together this impressive marketing and information tool. I congratulate everyone who has been involved in pulling together that innovative and impressive network. The web site will do a number of jobs. It will not only gather a number of businesses together in a point of focus, but I am confident it will also help grow the export potential and capacity of the Illawarra. This is the second such web site I have come across. Some years ago I was instrumental in putting together one site in the Southern Highlands relating to the fast train proposal.

At that time the Office of Economic Development in the Southern Highlands put together a web site that drew together all businesses in the highlands on a database. Potential export markets and other people could look at it and find out what resources were available in the Southern Highlands. Based on the success of that web site, I know that *www.i3net.com.au* will be successful in the Illawarra. I know it has a great future. It is my vision, one that a lot of people share, that one day very soon the Port Kembla container terminal will have a place on the web site as part of the business participants in the Illawarra Innovative Industry Network. I take this opportunity to say to the Minister for the Illawarra, yet again, that there is considerable disappointment that the taking up of the Port Kembla container terminal proposal has been delayed. We would like the Government to give its commitment to that terminal because the opportunity for 3,000 new jobs in the Illawarra must not be left behind.

CONSIDERATION OF URGENT MOTIONS

Dairy Industry Deregulation

Mr BROWN (Kiama) [3.46 p.m.]: My motion deserves priority because it is about the crisis experienced by dairy farmers following the effects of deregulation, the drought and the rising rate of exchange against the Australian dollar—it is the highest it has been for a long time. Dairy farmers are in desperate need and their issues should be debated today.

Maroubra Crime

Mr DEBNAM (Vaucluse) [3.46 p.m.]: Debate of ongoing crime problems in Maroubra is a pressing issue because it goes to the heart of law and order and police administration in New South Wales. The Maroubra crime problem is urgent because residents and shopkeepers continue to suffer threats, intimidation and assaults on an almost daily basis. Debate of the Maroubra crime problem will urgently highlight the daily difficulties evident in the Carr Government's failed policy on youth crime and highlights even Clive Small's inability to get the Carr Government to provide well-resourced policing on the ground. Debating the Maroubra crime problems also provides honourable members with an urgent opportunity to ask what Clive Small is doing and has been doing in the Premier's Department for the past year and why he has now been appointed to act as a de facto electorate officer for the Premier.

It is urgent that this House understands why one of the State's apparent best investigators was removed from NSW Police and put on the shelf in the Premier's Department. Given this is one of the last sitting days this

session, and next month could see the retirement of Clive Small from his current role as electorate officer for the Premier, it is urgent that we understand why he was there, why he has to supervise the Premier's electorate and where he is going to next. Will his contract be renewed? Is the Premier cultivating him as the next commissioner? The Maroubra crime debate is urgent because one would have thought that Clive Small would still have much to offer the people of New South Wales if only he were allowed to do what he does best. Despite his prompting, the Carr Government has still not released the James report or the subsequent investigations into the murky circumstances under which that report was prepared.

The debate is urgent because it would allow the Government to explain why the James report and subsequent investigations are still classified top secret by the Labor Party. The Maroubra crime debate would allow the Government to explain what is has done about complaints concerning the way in which Clive Small and Inspector Appleton dealt with the witness James and the James report. The Maroubra crime debate would allow this House to address ongoing gang crime across the State and the Government's inability to deal with youth crime and antisocial behaviour, organised party gatecrashers, inept police administration and the Government's culture of cover-up. The urgent debate on Maroubra crime would allow the Government to explain how the commissioner's and Minister's offices have over the past year dealt with the complaints about Small and Appleton's involvement with the James report. Indeed, it would allow the Government to explain whether complaints have been investigated by the commissioner, the Minister or the Police Integrity Commission.

The Maroubra crime problem is urgent because Government policies are failing on a daily basis. I am sure all honourable members would wish to examine Government policies in light of problems that are being experienced in their electorates. The Maroubra crime problem is urgent because it highlights the fundamental and urgent problems in New South Wales policing as a result of the Government's reluctance to deal with youth crime and to lift the lid on a can of worms—that is, police administration in this State. Every day the problems that are being experienced in Maroubra highlight the problems that are being experienced across this State, for example, youth crime and antisocial behaviour.

The ACTING-SPEAKER: I hope the honourable member for Vaucluse is not debating the substance of the motion.

Mr DEBNAM: No, not at all. I was just telling honourable members why they should become involved in this debate. This urgent motion would give everyone, including the honourable member for Fairfield and the honourable member for Kiama, an opportunity to talk about problems they are experiencing in their electorates.

Mr Tripodi: Point of order: The honourable member referred earlier to the James report and to existing crime statistics. However, he has not told us why his motion is more urgent than the motion of the honourable member for Kiama. The honourable member should address the reasons why we should debate his motion.

The ACTING-SPEAKER: Order! The honourable member for Vaucluse should return to telling the House why his motion should have priority.

Mr DEBNAM: My motion is urgent because the problems in Maroubra are typical of the problems that are being experienced right across this State. One thing is unusual about the problems that are being experienced in Maroubra. The former Deputy Commissioner, Clive Small, has been effectively tasked to solve problems that are being experienced in the Premier's electorate—problems that have not been solved for years and that are occurring less than a kilometre from the Premier's home. Just about every member in this House should address this issue. They should talk about problems in their electorates, the antisocial behaviour that is occurring in just about every suburb and the inability of the police to deal with young offenders. [*Time expired*].

Question—That the motion for urgent consideration of the honourable member for Kiama be proceeded with—put.

Division called for. Standing Order 191 applied.

Noes, 3

Mr Barr
Mr Debnam
Ms Moore

Question resolved in the affirmative.

DAIRY INDUSTRY DEREGULATION

Urgent Motion

Mr BROWN (Kiama) [3.57 p.m.]: I move:

That this House:

(1) supports the New South Wales dairy industry; and

(2) notes that after dairy deregulation it is now cheaper to buy a carton of milk than a bottle of water.

I thank honourable members who voted in favour of my urgent motion relating to the dairy industry. I was surprised that anyone would want to vote against it. Dairy farmers have told me that they are facing a crisis. Their future is looking bleak as a result of the effects of deregulation, the drought, increasing fee costs and the rising Australian dollar. Dairy farmers are facing another major problem: They are not getting enough money from their milk sales. Today I went to a 7-Eleven store in Hunter Street and purchased a litre of milk and a 750 millilitre bottle of water. I obtained a receipt for that purchase, which establishes that a carton of milk costs $1.60 and a bottle of water costs $2.95. That is a massive price difference. Is it any wonder that dairy farmers need help? It amazes me that water direct from the factory tap is the more expensive option whereas milk, which is much more nutritious and whose production is more labour intensive, is the cheaper option.

Ms Berejiklian: Have you heard of supply and demand?

Mr BROWN: I inform the honourable member for Willoughby and the city-centric Liberal Party that the national competition policy advocated by the Federal Coalition Government is hurting dairy farmers. I invite the honourable member to my electorate—or perhaps she could visit the electorates of some of her Liberal colleagues, such as Bega or South Coast—to see that there is a lot more to this than simple supply and demand. The New South Wales dairy industry is doing it tough. There is a big difference between the milk-producing States of New South Wales and Victoria. The New South Wales dairy industry is highly reliant on fresh milk sales, with about 50 per cent of New South Wales milk sold as drinking milk and the remainder used in manufacturing. Therefore, New South Wales dairy farmers have traditionally aimed to produce milk all year round. In contrast, the Victorian industry is heavily reliant on manufactured dairy products, many of which are exported. More than 90 per cent of Victorian milk is used for this purpose. Consequently, many Victorian dairy farmers are geared to produce milk seasonally when the cost of production per litre is lower.

Deregulation has hurt many farmers and I will put some of the arguments into perspective. Constitutionally, regulation of the drinking milk sector is the domain of State government and was undertaken to ensure the quality and availability of milk supplies all year round. To achieve this end State dairy authorities have regulated the sourcing, distribution and pricing of milk. During the 1990s each State reviewed its regulation of farm gate milk pricing and sourcing under the auspices of the national competition policy. The New South Wales review of the Dairy Industry Act 1979 commenced in March 1997. The review report was submitted to the Minister in November 1997 and was considered by the New South Wales Government in March 1998. The New South Wales Government decided—as did the governments of Queensland, Western Australia and Tasmania—that regulation of the market milk sector should be retained for five years. However, Victoria's review found no justification for retaining regulation of the market milk sector and recommended its removal from 1 July 2000.

The recommended date for removal of Victorian milk market regulation coincided with the scheduled termination of the Federal Domestic Market Support [DMS] Scheme. The scheme aimed to increase returns to dairy farmers supplying manufacturing milk by imposing levies on dairy farmers supplying market milk. The scheme obviously favoured the Victorian industry and worked against the industries in New South Wales, Queensland, South Australia and Western Australia. By early 2000 the imminent end of the DMS scheme, increased scrutiny under national competition policy and the Victorian intention to deregulate its market milk sector encouraged the dairy industry to lobby the Federal and State governments for an orderly national approach to deregulation. This prompted the Commonwealth to offer on 28 September 1999 to establish the $1.78 billion dairy structural adjustment package—to be funded through an 11¢ per litre levy on domestic consumers of drinking milk—to provide financial assistance to dairy farmers adjusting to a deregulated commercial environment.

New South Wales dairy farmers' share of this package is expected to average $192,000 per farm and total $383 million. However, the Commonwealth's offer was conditional on deregulation being adopted by all

States. Furthermore, New South Wales consumers will pay about $500 million towards the package but our farmers will receive only $383 million. New South Wales consumers are being made to bear the brunt of this package and to subsidise the other States. That is simply not fair. To add insult to injury, once a dairy farmer receives the money it is taxed as income. The Federal Government is thus raising extra revenue by slugging consumers when they buy milk. No-one has a problem with helping dairy farmers but the money raised should go to them, not end up in the Commonwealth's coffers.

The New South Wales Dairy Farmers Association voted to accept the dairy industry restructure package. In a statewide poll, dairy farmers also strongly supported removing the New South Wales regulations and accepting the Commonwealth package. It was only at that point, and at the direct request of the New South Wales dairy industry, that the New South Wales Government agreed to deregulation. It is little wonder that farmers voted for deregulation: they were blackmailed into it. The Commonwealth said, "If you do not vote for deregulation then you will not receive any of the money from the dairy adjustment package." This point is not lost on dairy farmers on the South Coast. They believe the benefits from deregulation have been one-sided. In July 2000 3.31¢ was removed from the New South Wales market milk price. As a result 183 suppliers on the South Coast and the Southern Highlands lost more than $2.7 million. The flow-on effect to local service industries was an average 28 per cent downturn in dairy-related business.

However, that price reduction was negligible compared with the current financial situation facing farmers on the South Coast. Before deregulation New South Wales dairy farmers received more than 50 per cent of the retail price of market milk. They currently receive less than 25 per cent. This imbalance must be addressed somehow. We must curb the power of the major supermarket chains or increase the power of the farming sector. We must also consider the flow-on pressure of urban sprawl on our beautiful regions. Tourists travel to our coastal strips to visit picturesque farms situated on high-quality agricultural land. Enormous public benefit is derived from green fields in which contented cows graze. At present there are three main pressures on our dairy farmers. The first is decreasing international dairy product prices, which are forcing Australian export processors to pay lower prices for manufacturing milk and in some cases redirect products to the domestic market, thereby further depressing domestic prices.

Secondly, the increasing value of the Australian dollar is rendering Australian dairy products less competitive internationally and exacerbating the effect of depressed international prices. Thirdly, the prolonged drought has forced many dairy farmers to purchase more fodder than usual at exceptionally high prices. Dairy farmers dependent on irrigated pasture have faced unsustainable price rises and very low irrigation water availability during a time of substantially increased water requirements for pasture growth. Farm incomes will hit rock bottom from 1 August this year and the effect of the drought could linger for as long as another two years. Dairy farmers play an important role in our modern economy but they are also an important part of our past. The land they occupy is unique and we must protect it. We must do everything we can to give dairy farmers all the assistance they deserve.

Mr STONER (Oxley—Leader of the National Party) [4.07 p.m.]: It is ironic that the honourable member for Kiama should move a motion calling on the House to support the New South Wales dairy industry. What support has this Sydney-centric Labor Government shown the dairy industry in New South Wales? Just three years ago the Government deregulated the industry, offering no form of assistance whatsoever.

Mr Brown: You voted for it.

Mr STONER: No, I did not. The Government did not offer any assistance to our dairy farmers and it refused on three occasions to support a National Party amendment that would have provided some financial assistance to help dairy farmers survive the drastic cut in milk prices, which at the time fell from about 54¢ per litre for quota milk to about 30¢ per litre. That sensible National Party amendment would have been funded via national competition policy payments from the Federal Government to the State Government. However, the New South Wales Government chose simply to pocket those payments, which amounted to hundreds of millions of dollars. All Labor did to help desperate farmers was offer counselling and establish a committee to confirm that dairy communities were hurting. Since then, due to a lack of support from Sydney Labor, many dairy farmers have left the industry with the dairy structural adjustment package payments facilitated by the Federal Government and funded by the retail price levy. Those who have remained have generally increased their herd sizes, using the dairy structural adjustment package to fund the purchase of more cows, land and equipment. Dairy farmers had to increase their production simply to survive because their margins vanished with this Government's deregulation legislation.

But the remaining farmers have been hit especially hard by the drought. Pasture growth has stopped and fodder had to be bought for a great number of cows—up to 450 on some farms in my electorate. Dairy cows cannot be agisted and they must be fed, because otherwise their milk and the farmer's income will dry up. During the drought the cost of fodder was prohibitive and, again, the assistance provided by Labor was wanting. No rebate on fodder costs was provided and the 50 per cent transport subsidy was capped at $20,000, a figure reached by many farmers early during the drought. Hence, many remaining farmers have gone backwards. Costs have exceeded their returns and they have been forced to survive on savings, loans and, again, exceptional circumstances payments from the Federal Government. Where is the State Labor Government support for our dairy farmers through these tough times?

The large dairy processors, including Dairy Farmers and National Foods Ltd, have announced a cut in farm gate prices to as low as 26¢ per litre. Many farmers, including a group from the Dungog-Gloucester area who visited me last week, told me they cannot produce milk for that return. The group, which included Bob Koppman and Keith Watkins, is desperately seeking help to survive. All they want is a reasonable price for their milk. Keith "Bluey" Watkins, who is featured in today's *Sydney Morning Herald*, explained that a cut of just 2¢ per litre in the milk price equates to a $50,000 per annum drop in his income. We are talking about significant cuts not only to the incomes of farmers but to all the downstream industries that assist dairy farmers in their communities. These impacts have serious results for our dairy communities.

The cost of soft drinks and water, both of which have low input costs, is higher than the cost of milk in supermarkets. It must be acknowledged that Labor's reforms to the dairy industry are simply not working. The nutritional value of milk is far superior to that of water or soft drink and the input costs of herd development, pasture improvements, quality assurance costs, fuel, labour and transport are far greater. There is also the cost of compliance with the Government's layer upon layer of regulation, including safe food and occupational health and safety regulations, irrigation legislation and environmental regulations and legislation.

Mr Tripodi: Point of order: It is difficult to accept that the Leader of the National Party has chosen to speak in this debate, given that he failed to vote in favour of debating the Government's urgent motion. The Leader of the National Party is straying to other areas of policy that are unrelated to the dairy industry. The motion before the House is simple.

[*Interruption*]

Miss Supply and Demand should remain quiet. Her contribution has been enough. The Leader of the National Party should be asked to address the issue, which is whether this House will express support for the dairy industry.

Madam ACTING-SPEAKER (Ms Saliba): Order! There is no point of order.

Mr STONER: A lot of the costs to individual farmers, including the cost of control measures for bovine Johne's disease, result from legislation imposed on them by the Government. For the information of the honourable member for Fairfield, farmers in this State are affected by up to 50 regulations and Acts, with the cost of compliance being forced on the landowner. Something is seriously wrong when farmers get only 26¢ for a product that retails at $1.60 per litre. The National Party calls on dairy processors to pay a reasonable price to farmers for their product. We also call on retailers to ensure that farmers get the benefit of future price rises. The Federal Government has again shown its support by facilitating an exemption from the Trade Practices Act to enable farmers to collectively bargain with processors. I hope that farmers organise themselves to bargain in a collective and united way to ensure that they get a reasonable price for their product.

It would be a great tragedy if there were not enough farmers to supply our own market, let alone export markets. The National Party believes strongly that all primary producers should get a fair proportion of the retail price of their value-added product. I challenge the Government to put its money where its mouth is. The motion asks the House to express support for the New South Wales dairy industry. The Government created the mess by deregulating the dairy industry. What will it do now to help struggling farmers survive when they are getting ridiculously low prices for their milk? Will the Government match its rhetoric with action? Given the Government's failure to offer meaningful assistance to dairy farmers during their struggle over the past three years, I doubt it.

Mr NEWELL (Tweed—Parliamentary Secretary) [4.16 p.m.]: I support the motion moved by the honourable member for Kiama, and I thank members on this side of the Chamber for their support. I note that no

members of the National Party were in the Chamber to vote against the Government's motion being given priority. It is the fact that in the past 20 years the number of dairy farms across Australia has declined significantly. The most recent figures I have seen show that in 1981 there were 47,000 farmers and in 2003 that figure had decreased to 22,000. Despite the drop in the number of farmers, at the same time the amount of milk production from those farms has doubled. Farmers have been good at accommodating change.

The latest change and the impact of deregulation will cruel them and the industry will be severely reduced. Prior to deregulation there were 193 dairy farms on the North Coast north of Lismore and now there are only 146. That figure is likely to drop even lower if farm gate prices continue to drop. A drop in farm gate prices was mooted prior to deregulation. Farmers were getting approximately 50¢ per litre for their milk under the regulated system. The price has dropped substantially with farmers getting returns as low as 22¢. The last reported price was some 33¢, which is below the cost of production.

Mr George: How much, 22¢?

Mr NEWELL: I said 33¢. The honourable member for Lismore should listen and pay attention. There has been a lack of support from the National Party at the Federal level. I will not mention local National Party members because they have gone along with deregulation. The Federal National Party adhered to what the Federal Coalition put forward. John Howard is preoccupied with market forces and the national competition policy. He is an economic rationalist and imposed a crushing burden on the dairy farmers of New South Wales.

As the honourable member for Kiama said, deregulation of the dairy industry was forced upon New South Wales after pressure from the Commonwealth following the Victorian decision to deregulate its industry. In 1995-96 a dairy industry plan was put in place by a Federal Labor Government that kept the industry regulated and looked after and protected New South Wales dairy farmers. The Federal Government knew when that plan expired and failed to implement another plan. Consequently, market forces were allowed to operate and New South Wales was blackmailed, in effect, into accepting deregulation with the offer of a $1.94 billion adjustment package, which was paid for by Australian consumers. If we had not accepted that package farmers would have got nothing, and New South Wales would have been flooded with milk from the Victorian industry, which operates under a different structure that has been fostered during the past 10 to15 years. There is no doubt that the dairy industry is suffering. What needs to be done in New South Wales is not what was put by the honourable member for Willoughby, no doubt representing members of the Liberal Party and their preoccupation with market forces.

Ms Berejiklian: Point of order: My point of order is under Standing Order 138, which relates to relevance. Firstly, I would ask that the honourable member be directed back to the motion. Secondly, I bring to the attention of the House that my interjection was taken out of context.

Mr Tripodi: That is not a point of order.

Ms Berejiklian: It is a point of order when the honourable member for Tweed strayed from addressing the motion and used my interjection out of context.

Madam ACTING-SPEAKER (Ms Saliba): Order! There is no point of order.

Mr NEWELL: Coalition members cannot accept that deregulation is about accepting market forces, and that is why the price that farmers get for a litre of milk has decreased to 33¢. That is what the honourable member for Willoughby and other Coalition members are supporting.

Mr OAKESHOTT (Port Macquarie) [4.21 p.m.]: I move:

That the motion be amended by the addition of a new paragraph (3) as follows:

(3) calls for the establishment of a task force in New South Wales similar to what has occurred in Western Australia to explore future options for the dairy industry post-deregulation.

It is a pox on this House that everything said so far in this debate has been part of the blame game: the Commonwealth blaming the State, the State blaming the Commonwealth, Labor blaming the Liberal Party, the National Party blaming the Labor Party. All through this debate over the past three years the forgotten people have been the grassroots farmers. They have been forgotten in the political environment of deregulation and post-deregulation. It is disgusting that after three years the debate continues in that vein. Some members of this

House will not even show up for this debate. I point the finger at my former colleagues in the National Party, who were reluctant to represent what I should have thought is for them a critical industry—the dairy industry in New South Wales. They could not bring themselves to come into this Chamber and vote to support a debate on the dairy industry in New South Wales. That highlights the problem that politics seems to be more important than the plight of grassroots farmers in this State.

It is time for reflection by all members of this Parliament of whatever political persuasion, not only in this Chamber and in the upper House of New South Wales but in the Commonwealth Parliament. Federally, the politics of the dairy industry rises to the surface time and again without recognition of the critical point of the debate, that is, the grassroots farmers. On the mid North Coast over the three years since deregulation the number of dairy farms has dropped from 352 to 195. In anyone's terms, that is a significant decline in the dairy industry, which is critical for the mid North Coast, New South Wales and Australia. In raw figures, that means 157 people have left the dairy industry.

Whoever is to blame—whether it is this State Parliament, the Commonwealth Parliament, the State Labor Government, the Commonwealth Liberal-National Government, or the National Party, whose members do not turn up to vote on this issue—has some answering to do. It is time for reflection. This task force must be established now so that we can start to support grassroots farmers in New South Wales and Australia. As far as grassroots farmers are concerned, dairy industry deregulation is not working in New South Wales, regardless of who established a deregulated environment. Grassroots farmers are leaving the industry more quickly than they ever have before. The industry is in decline, and we have a problem. This task force must be established in New South Wales.

I do not lightly use the expression "crisis" to describe the state of the industry in New South Wales. It is high time that everyone playing this political finger-pointing game recognised that this State has a crisis on its hands and that we must look at all available options to protect the future of our dairy industry. Only last week a major farm in Forbes with some 600 milking cows closed down. That is another blow to the dairy industry. I understand the dairy course at Charles Sturt University has undergone major changes in the past fortnight. Week in and week out we see this continual bleeding of this State's dairy industry.

There is a push from grassroots dairy farmers to have a task force established in New South Wales. As late as Friday of last week that was put to the Minister for Agriculture by a group, with which I was involved, represented by Robyn and Chris Murphy of the New South Wales Farmers Association. Such a task force has been established in Western Australia, which acknowledged the crisis in the dairy industry and resolved to establish a task force to look at future options. I encourage the New South Wales Government, with the support of the Opposition, to put all the political finger-pointing behind them and support the establishment of the proposed task force. Everything else said in this Chamber will be mere words and back-patting for dairy farmers in their areas. [*Time expired.*]

[*Debate interrupted.*]

BUSINESS OF THE HOUSE

Urgent Motion: Suspension of Standing and Sessional Orders

Motion by Mr Scully agreed to:

That standing and sessional orders be suspended to permit one additional Opposition member to speak to the motion for urgent consideration for up to five minutes.

DAIRY INDUSTRY DEREGULATION

Urgent Motion

[*Debate resumed.*]

Mr MARTIN (Bathurst) [4.26 p.m.]: At the outset I would like to say how disappointed Labor members are that our sparring partner, the honourable member for Lachlan, is not present for the debate this afternoon. Country Labor members wish him a speedy recovery and return to the Chamber. Even though we do not always agree with what he says, we know he speaks from the heart on matters of substance. He is about the only true remaining member on the other side who represents the values that once were the platform of the National Party.

The current Leader of the National Party tried to reinvent history in his token speech earlier this afternoon. The reality is that the dairy industry is in crisis. That is one point on which all members of this House could agree. In 1999, when deregulation went through, New South Wales was forced into deregulation by pressure from Canberra, national competition policy and penalties that would be incurred by New South Wales if it did not move to deregulate the industry. Once Victoria deregulated its industry, New South Wales had no choice. Our industry would have been wiped out immediately if this State had not deregulated its dairy industry.

It was the Coalition that started the deregulation process in the early 1990s when it deregulated the retail price of milk. For its members to stand in this place and claim they are against deregulation is the height of hypocrisy. That was demonstrated by the Leader of the National Party, who stood in this place last week to speak to an urgent motion, on which the Government sought bipartisan support, to oppose the full privatisation of Telstra. He sent a lackey from the Liberal Party to lead for the Coalition, then addressed the House on why there should be a full sale of Telstra. This week, he is doing a backflip. The disquiet in the National Party over the full privatisation of Telstra is emerging. That failure of leadership on Telstra is indicative of its failure on many important issues.

One of the stark hypocrisies of the current debate in this House is that when deregulation was forced upon New South Wales Mr Costello and Mr Howard were forthright about how to pay for the rationalisation in the dairy industry. They decided that they would charge all consumers an extra 11¢ for a litre of milk. The hand went into the consumer's pocket to help the Commonwealth support the farmers with its $1.8 billion scheme. But, along the way, Mr Costello helped himself to $500 million to $600 million in extra tax revenue. That is the hypocrisy of the Federal Government on this matter. Once New South Wales faced the inevitability of deregulation, a number of initiatives to help dairy farmers were introduced through the Minister for Agriculture. The Government filled the void in New South Wales, as it did with the drought. It was the first cab off the rank.

The Leader of the National Party talked about drought relief, but the Federal National Party had to be dragged screaming to provide assistance—and it still does whatever it can to obstruct exceptional circumstances applications. The honourable member for Port Macquarie is right: this motion should have bipartisan support. We tried to get that support in 1999, but forces were acting against us. The National Party offered token resistance so that it could be seen to oppose something that its Federal party was pushing. At the eleventh hour, after the battle was lost, they put their hands up and claimed that they were the only ones fighting deregulation. But the *Hansard* will reveal that the people who are consistent in the fight are the five or six Independents.

We need to apply pressure to the big producers. The industry is contracting. Farmers are forced to accept a pittance for their milk. Prior to deregulation the farm gate price in New South Wales was 55¢, but farmers are now expected to accept half of that. How can they make a quid? Milk is no cheaper in the supermarkets, partly due to John Howard's 11¢ a litre surcharge, a third of which he takes in tax. But the industry is bedevilled by decreasing international dairy prices and the drought. The increasing value of the Australian dollar is not helping dairy farmers either, particularly those whose main customers are in the export market. Regardless of what those opposite say, this Government has been at the forefront in offering practical help to drought-affected farmers. Once again, we have seen the hypocrisy of the National Party, for which it will pay dearly. I commend the motion to the House.

Mr CONSTANCE (Bega) [4.31 p.m.]: I am pleased to be acknowledged in the House and to be able to contribute to debate on the motion. Representatives of the Bega Cheese Co-operative, who have returned from a trip to the Middle East in the past couple of weeks, announced that the Bega brand is making significant inroads into markets throughout the Middle East. The Bega Cheese Co-operative launched itself into the Middle East only 18 months ago, yet it has already chalked up more than $5 million worth of retail cheese product sales. That figure is increasing. These consumer products flow regularly into the markets of the United Arab Emirates, Saudi Arabia, Bahrain, Kuwait, Jordan, Egypt and Lebanon. Bega Cheese is to be commended.

The State Government has left the fate of our dairy farmers to the mercy of a retail sector dominated by two large players—Woolworths and Coles—and a corrupt international marketplace. Dairy Farmers Ltd, the company that handles 60 per cent of the State's milk, has been forced to lower its farm gate price this month by as much as 9 per cent because of the pressure of international competition for milk products. The markets in the United States of America and Asia for cheese and milk powder are heavily supplied by our competitors in New Zealand, South Africa and South America. The competitive advantage of our farmers and Dairy Farmers Ltd is linked to high-volume throughput from efficiently run farms. The drought has strained the capacity of our farms to produce high output milk at low cost.

Some time ago Dairy Farmers Ltd realised the effect of the drought and provided a premium of around 3¢ per litre to farmers to assist them with drought feeding. Had the State Government stepped in and done the right thing, such action would not have been necessary at that time. A combination of market pressure and continuing drought has forced Dairy Farmers to drop its price to farmers. The company is unable to sustain its drought premium in the face of downward international price movements. The State Government has given not one cracker to New South Wales farmers. When the National Party moved an amendment to compensate New South Wales farmers for dairy deregulation, the Labor Party voted against it. The Independent member for Port Macquarie made a valid point: we must work in a spirit of bipartisanship to find sensible outcomes for our farmers and for the dairy industry throughout New South Wales.

Madam ACTING-SPEAKER (Ms Saliba): Order! I call the honourable member for South Coast to order.

Mr CONSTANCE: The State Government should recognise the cost of structural adjustment in the dairy industry and make a contribution. The Commonwealth contributed $140 million, but the State Government gave not one cracker. The Opposition is sympathetic to the plight of our dairy farmers, but we believe the State Government could do more. I urge the Government to back the industry in any attempt it makes before the Australian Competition and Consumer Commission to address fair pricing for our farmers and the equitable distribution of the consumers' dollar to them. One dairy farmer who runs a modern family farm was quoted in today's media. He has shown how a fall of even 2¢ per litre in fresh milk prices will slash his profitability by $50,000 per annum and place his business on the brink of collapse.

Many farmers in the electorate of Bega have felt the impact of the current markets. I call on the State Government to provide at least some form of assistance, rather than make motherhood statements and move motherhood motions that provide no relief for the dairy industry in New South Wales. Since deregulation, the dairy industry has lost 550 farmers. The four major players in New South Wales have adjusted their prices. Norco has been down slightly, National Foods down 3¢ and Dairy Farmers down 9¢, but Bega has been up 5¢. I call on the Government to act rather than move these types of motions. [*Time expired.*]

Mr BROWN (Kiama) [4.36 p.m.], in reply: I am quite happy with the way much of the debate has progressed because members are showing genuine support for the dairy industry. However, it would be helpful if the Opposition were more constructive and did not merely try to score political points. The honourable member for Bega spoke last, but his comments must be addressed first. He said that the State Government has paid nothing. That is simply not true.

Mr Constance: It provided counselling.

Mr BROWN: The honourable member for Bega now says that we provided counselling services.

Madam ACTING-SPEAKER (Ms Saliba): Order! The honourable member for Bega has had an opportunity to speak in the debate. He should listen in silence to what the honourable member for Kiama has to say in reply.

Mr BROWN: Perhaps the Opposition should be consistent. First it claimed that we provided nothing, and now it claims that we provided counselling services. If we listen to Opposition members for a little longer we might hear about other New South Wales Government initiatives that have sought to assist dairy farmers. Opposition speakers claimed that the Commonwealth provided the money. What a joke! The Commonwealth has slugged New South Wales consumers 11¢ per litre for their milk. Worse than that, once the money goes into the farmers' bank accounts the Commonwealth taxes it as income. It might as well have charged the consumer 5½¢ or something less in the first place. The Commonwealth has gained $350 million in additional income tax revenue, and it should apologise. Opposition speakers are making outrageous allegations. If they had any guts they would stand up in this Chamber and apologise on behalf of their conservative mates in Canberra.

Let me state clearly on the record that the Leader of the National Party today told a few porkies in this Chamber. He said that he voted against dairy deregulation, but I have a copy of *Hansard*, which shows that at the conclusion of the Minister's second reading speech when the vote was taken, not one member of the National Party voted no. The only members who were consistent throughout the debate and who voted against the bill were the five Independents representing the electorates of Manly, Dubbo, Bligh, Northern Tablelands and Tamworth. It is simply not true to say that any conservative voted against the legislation. Even worse, in the Legislative Council the late Hon. Doug Moppet, the Hon. Charlie Lynn, the Hon. Duncan Gay and the Hon. Jennifer Gardiner voted in favour of deregulation. Members of the Liberal Party and the National Party,

including the Hon. Richard Bull, voted in the other House for dairy deregulation. It is disgraceful for the Opposition to try to mislead this House. Members of the Opposition should apologise.

I thank the honourable member for Tweed and the honourable member for Bathurst for their contributions to the debate. They referred to the steady decline in the number of dairy farmers since the 1970s. However, since deregulation there has been a significant decline. That is just what the Federal governments wanted. That is what the adjustment package was all about. Congratulations! The amendment moved by the honourable member for Port Macquarie suggesting the establishment of a task force to examine the dairy industry is worth considering. The idea needs the support of the industry. I am advised that the Government will explore this option with the New South Wales Farmers Association and the industry over the next month. However, at this stage it is premature to establish such a task force because the idea has not been fully explored with the industry.

The honourable member for Port Macquarie at least had the guts to vote in favour of supporting the dairy farmers during debate on this urgent motion earlier today, unlike the honourable member for South Coast, the honourable member for Bega and the honourable member for Oxley. They were nowhere in the Chamber, nowhere to be seen, when the decision had to be made as to whether the House would debate a motion about dairy farmers or Maroubra police. I encourage the House to support the motion.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 32

Mr Aplin	Mr Kerr	Ms Seaton
Mr Barr	Mr McGrane	Mrs Skinner
Ms Berejiklian	Mr Merton	Mr Souris
Mr Cansdell	Ms Moore	Mr Stoner
Mr Constance	Mr Oakeshott	Mr Tink
Mr Debnam	Mr O'Farrell	Mr Torbay
Mr Draper	Mr Page	Mr J. H. Turner
Mr Fraser	Mr Piccoli	Mr R. W. Turner
Mrs Hancock	Mr Pringle	*Tellers,*
Ms Hodgkinson	Mr Richardson	Mr George
Mrs Hopwood	Mr Roberts	Mr Maguire

Noes, 41

Mr Amery	Mr Greene	Mr Orkopoulos
Mr Bartlett	Ms Hay	Mr Pearce
Ms Beamer	Mr Hickey	Mrs Perry
Mr Black	Mr Hunter	Ms Saliba
Mr Brown	Ms Judge	Mr Scully
Ms Burney	Ms Keneally	Mr Shearan
Miss Burton	Mr Lynch	Mr Stewart
Mr Campbell	Mr McBride	Mr Tripodi
Mr Corrigan	Mr McLeay	Mr West
Mr Crittenden	Ms Meagher	Mr Whan
Ms D'Amore	Ms Megarrity	Mr Yeadon
Mr Debus	Mr Morris	*Tellers,*
Mr Gaudry	Mr Newell	Mr Ashton
Mr Gibson	Ms Nori	Mr Martin

Pairs

Mr Armstrong	Ms Allan
Mr Hazzard	Ms Andrews
Mr Humpherson	Mr Aquilina
Mr Slack-Smith	Mr Mills

Question resolved in the negative.

Amendment negatived.

Motion agreed to.

RURAL AND REGIONAL HEALTH SERVICES

Matter of Public Importance

Mr PAGE (Ballina—Deputy Leader of the National Party) [4.52 p.m.]: Country and coastal areas of New South Wales are experiencing a decline in health services. This is a big issue and the Carr Government's approach to funding for orthopaedic services in regional areas is typical of its approach to health services generally. In December 2002 Minister Knowles announced that eight rural health services would receive additional funding to provide for more orthopaedic operations in rural areas. During the election campaign the State Government released a so-called $7.5 million rural health plan to help reduce waiting lists. Two days after the election that new money disappeared and surgeons were instructed to cut back on operations.

A cynic might suggest that the State Government's commitment to reducing hospital waiting lists lasted as long as the election campaign. The problems in regional health are epitomised by the problems at Lismore Base Hospital, a regional base hospital serving the Northern Rivers region. In March 1995, 463 Lismore patients were on the waiting list for surgery, one of whom had waited longer than 12 months. In March 2003, 1,520 patients were waiting for surgery, with 180 waiting longer than a year. A recent independent report commissioned by the Northern Rivers Area Health Service, carried out by IGM Consultants, showed that the Lismore Base Hospital lacks key facilities and beds, and requires a reorganisation of existing equipment and rooms.

The independent report undertook an operational and funding review of the hospital and examined its general operations, and held discussions with associated hospital stakeholders. In summary, the review found that the hospital faced issues of concern such as a lack of available beds, unplanned dual use of theatre and day surgery services, ongoing financial pressures, stress on medical staff, growth in the range of services provided, the run-down state of physical facilities, and ongoing pressures on the hospital processes. The executive summary of the review stated:

> During the time of undertaking this review it was apparent that the hospital is currently facing many pressures some of which include bed block, merged theatre and day surgery services which were unplanned, an organization whose funding has been stretched for many years, clinical growth evident in the range of services and infrastructure provided, a range of medical practitioners stresses some of which have been ongoing for extended periods of time, the physical facilities are tired in many parts, the systems and processes of the hospital are under pressure, all within a health system which presents its own unique challenges.

I make it clear that I do not wish to denigrate the staff of the Lismore Base Hospital. To the contrary, they are a dedicated team of professionals who work hard on behalf of the hospital's patients and should be applauded for the work they do. The problems at the hospital stem from the New South Wales health system and the endemic lack of investment in regional health services by the State Government. The hospital lacks the basic facilities and layout to service a rapidly growing local population. It has insufficient beds, lack of space has created dangerously cluttered corridors, and currently there is no dedicated mental health accommodation.

This is a serious concern given that the number of psychiatric cases in the area is twice the State average. Furthermore, the Lismore Base Hospital lacks a paediatric area, private counselling area, and private space for upset relatives. Those conditions would not be tolerated in metropolitan hospitals and should not be tolerated in regional hospitals. Other problems with facilities at the Lismore Base Hospital named in the review include a lack of special treatment rooms, a lack of patient holding rooms, no fast-track for categories three, four or five patients, and currently the endoscopy suite is being used as an overflow area by the emergency department outside normal hours. That is a list of concerns about the layout and facilities at the hospital. The review also examined hospital services and medical staffing.

Within the hospital's critical care unit specifically, the review found that there were issues with bed management that meant the intensive care unit patients were staying too long and admissions to the emergency department were usually delayed. In June an 89-year-old lady waited 9½ hours at the hospital's emergency department before being given a bed. In that time she was forced to sit in a wheelchair without being given sustenance. She was suffering from a severe respiratory infection. None of us would wish that situation on any member of our family. That is an example of the type of impact on patients from the lack of State Government funding for regional health services. However, there is another side, and that is the stresses caused to medical staff. Lismore orthopaedic surgeon Dr John Ashwell recently resigned after 21 years of working at the hospital. Dr Ashwell is rightly upset about his working conditions and the lack of funding. The *Northern Star* newspaper quoted him as commenting:

> I'm not happy with the running down of services in rural areas … It's all across the State. Doctors are resigning in Dubbo, Tamworth and Orange … There is a lack of funding in rural areas.

According to Dr Ashwell, surgeons at the Royal Prince Alfred Hospital in Sydney perform three joint replacement operations each week, whilst Lismore surgeons do only one. This has an immense impact on country waiting lists. For example, cutbacks at Lismore Base Hospital mean that the waiting periods for joint replacement surgery has climbed to approximately four years. Having read that review and having followed the debate in the *Northern Star*, we should give credit to this newspaper for its pursuit of this important issue over recent months. I have grave concerns about the current state of Lismore Base Hospital, especially as it is our regional hospital.

My colleague the honourable member for Lismore—in whose electorate the Lismore Base Hospital is located—and I have discussed on many occasions our mutual concern about the level of care that is being given to residents in the region. The honourable member for Lismore will refer to those concerns when he speaks in the budget debate later today. Regional hospitals deserve to be adequately funded. The problems that were identified in this review are as a consequence of a lack of commitment over time to maintain regional health services in this State.

Underfunding was one problem that was specifically identified in this independent review. Honourable members should remember that we are not talking about an explanation relating to a health service; we are talking about an independent review. Local management and staff must cope—as do local residents—with pressures that are placed on them as a result of a lack of funding. This is not a problem of their making; it is a problem that was caused by the State Government either because it failed to commit sufficient funds to regional services or because it failed to manage its health budget in a cost-effective way. From all the evidence that is available to me it is evident that the failure of this Government to provide sufficient funds to manage the real demand for health services in regional areas is at the heart of the problem.

In this year's budget for the mid North Coast, the State Government maintained only existing funding levels for orthopaedic services, leaving no prospect of a reduction in orthopaedic waiting lists. The story is similar in other regions in New South Wales. I quote from the *Port Macquarie News* of 30 June—just a couple of days ago—in which Dr Dean Pepper, an orthopaedic surgeon working at Port Macquarie Base Hospital, said:

> It was a shortage of funding, rather than orthopaedic surgeons that caused the problem...
>
> At the current level of funding, none of us will be working at full capacity. Our waiting lists are still building.

He went on to state:

> The waiting list is going to keep climbing because the population is ageing and the need for joint replacements and general orthopaedic surgery is rising every year and funding has to rise every year in accordance...

Funding is not rising fast enough to meet demand. I have raised these important issues on behalf of people in country areas. It could be argued that there were no more important issues for country people or constituents in this State than the issues of health and education. Those two issues, which consume roughly 70 per cent of this State's budget, are the two primary responsibilities of State governments. The delivery of health services in country areas is failing. The health system is not delivering the outcomes that we expect in New South Wales, in particular, in coastal and country areas. I note that the Minister for Health is in the Chamber to hear what I have to say. I am sure that he is concerned about this review into Lismore Base Hospital.

I ask the Minister and the Government to take seriously the issues that have been raised in this independent review into Lismore Base Hospital. Those issues, which are real, impact on our local community and they are reflective of the general problems being experienced in country and coastal areas in New South Wales. Surely the Minister recognises that there are funding shortfalls in country communities. I ask him to address those problems and to provide the increased funding that is necessary to arrest this decline in regional health services.

Mr IEMMA (Hurstville—Minister for Health) [5.02 p.m.]: I appreciate the sentiments expressed by the Deputy Leader of the National Party. I state at the outset that I will refer to Lismore Base Hospital in the latter half of my contribution. It is important to place on the record the facts relating to this debate. The budget that was recently brought down by the Treasurer contains a funding commitment of $2.6 billion for hospitals and health services in rural and regional New South Wales in 2003-04—an increase of $244 million, or more than 10 per cent. That is the general level of funding for health services and hospitals in rural and regional New

South Wales. I refer in particular to area health services. I do not intend to refer to them all; I will refer only to those area health services in the coastal areas represented by the honourable member for Ballina.

This year the Northern Rivers Area Health Service received $267 million, an increase of 9.4 per cent, and the Mid North Coast Area Health Service received $250 million, an increase of 8.8 per cent. Those real and significant increases are part of this Government's effort to improve the quality of health care in regional New South Wales. No-one would deny that there are problems, but this is a significant commitment on the part of the Government to improve health care delivery in rural and regional New South Wales. Not all of the problems that were outlined by the Deputy Leader of the National Party can be sheeted home to the State Government. Opposition members should be aware that the State Government alone cannot provide quality health care and health services—it requires a partnership. That is one of the reasons that all States have been holding out on the Federal Government's health care agreement proposals for the next five years. We want a better funding deal for our hospitals.

We are doing our best at the State level to increase the budgets of country hospitals and improve the delivery of services. This Government has committed an additional $2 million in the coming financial year as part of its $17 million election commitment for the provision of renal services over the next four years. The Deputy Leader of the National Party raised specific concerns about orthopaedic services in Lismore Base Hospital, to which I will refer later. The Government has made a significant commitment over four years to provide renal services in country areas. That four-year plan will enable additional funding to be provided to establish new dialysis centres at a number of locations, including Bathurst, Goulburn, Griffith and places on the South Coast. This is the first time that renal dialysis centres will be provided in those towns. The new services will be provided in places that previously did not have such services, which is a real commitment on the part of the Government.

Within days of my becoming Minister for Health the Government provided $5 million to increase orthopaedic surgery in eight rural health services. That is part of the rural health plan. The former Minister for Health spent a considerable amount of time consulting with the Orthopaedic Association of Australia to obtain additional resources for orthopaedic surgery, or joint replacements, in rural areas. Eight rural health services have been funded as part of that plan. The announcement, which was made in September last year, highlights a commitment on the part of the Government to provide $5 million in recurrent funding. That funding will go to those eight rural area health services to enable more orthopaedic surgery to be undertaken. That does not mean the orthopaedic surgery list will be eliminated overnight or within one year, but it will enable more orthopaedic surgery to be undertaken. That is in response to concerns raised by organisations such as the Orthopaedic Association of Australia.

The rationale for the plan that was put together was not only to fund additional surgery but also to enable the retention of orthopaedic surgeons in rural areas. That funding will enable an additional 570 operations every year, mainly concentrating on hip and knee replacements. I place on record the Government's initiatives relating to indemnity insurance. An announcement was made in the lead-up to the last election and provision was made in the budget to enable private patients in rural areas to be treated in public hospitals at a cost of about $5 million—another important initiative to maintain in rural areas medical services and doctors, who are faced with the ever-increasing problem of indemnity insurance. A significant initiative was announced in the lead-up to the State election, and the budget provides the necessary funding.

As to the review of Lismore hospital, to which the Deputy Leader of the National Party referred, I will outline some of the issues involved. No-one denies that facilities at Lismore hospital are not completely satisfactory. It has some significant problems, particularly with its emergency department, which is not configured in such a way as to enable the most efficient running of the hospital. A significant redevelopment is planned for Lismore hospital that I am advised will cost some $90 million. No-one denies that the configuration of the emergency department does not inhibit the efficient operation of that department and the hospital as a whole. I understand that my predecessor decided to expand the number of beds at the hospital, small though it is. The Government recognises that Lismore hospital requires an upgrade, and I am advised that it is listed for significant redevelopment in the future that will specifically address the concerns outlined by the Deputy Leader of the National Party and the honourable member for Lismore.

As to orthopaedic surgery, the additional $5 million announced in September last year as part of the rural health package—recurrent funding has been confirmed for the next five years—is intended specifically to address doctors' concerns, such as those which the shadow Minister for Health and the Deputy Leader of the National Party have raised. The number of procedures performed has increased not just at Lismore hospital but

at Armidale hospital, about which significant concerns were raised. At the conclusion of the financial year the number of orthopaedic procedures at Armidale hospital had increased from 330 to 560. The number of procedures has also increased at Lismore hospital.

That is the rationale for investing extra money in the rural health package announced last year and confirmed for the next five years. The Government will continue to support those sorts of programs in rural areas and provide the services that, as the Deputy Leader of the National Party correctly pointed out, country people deserve. This Government has made a significant commitment to rebuilding the infrastructure of country hospitals. Some 220 hospitals, medical centres and community health centres across the State have been rebuilt or redeveloped since 1995, and a significant proportion of them are in country and regional areas. The Government will continue that extensive program over the next four years.

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [5.12 p.m.]: Poor Morris; poor, poor Morris. The Minister for Health is required to come into the House and say that black is white when the report on Lismore Base Hospital reveals the sorry state of hospital services not just in Lismore but, as the Deputy Leader of the National Party said, in too many areas across country New South Wales. Poor Morris, because this is the result of eight years of Labor telling lies about hospitals and the health system in this State. Poor Morris, because when he finally gets his hands on the lever of a significant portfolio he has no option but to take the hospital pass and join in the chorus of lies being told about health in this State. Poor Morris, because he comes into this Chamber—

Mr Lynch: Point of order: It is clearly in breach of the standing orders and an act of disorder to refer to members other than by their proper titles. Mr Acting-Speaker, I ask you to bring the Deputy Leader of the Opposition back to the proper traditions of the House and direct him to refer to the Minister for Health by his proper title.

The ACTING-SPEAKER: Order! I uphold the point of order. The Deputy Leader of the Opposition will refer to the Minister by his correct title.

Mr O'FARRELL: No amount of obfuscation by the honourable member for Liverpool will divert me from the fact that this Government continues to tell lies. The Minister for Health boasted about the funding increase for health in this State this year. The Minister and the Premier are on record as claiming that it is an 11 per cent—or $900 million—increase when it is really a 5.5 per cent increase. In fact, the increase in the State's Health budget this year is less than what the budget papers say is required to cover the nurses' pay increase, which was granted last year. If the Minister for Health wants to come into the Chamber and claim credit for allocating additional funding to country health services and cite a 10 per cent funding increase, he must provide the details. I am certain that 10 per cent more funding will not flow through to country areas.

The poor Minister for Health—poor Morris—because he is the bloke who inherits the legacy of lies. Country people have been lied to since before the election of the Carr Government. Do we not remember Labor's promise to reduce hospital waiting lists? Yet waiting lists at any hospital from Armidale to Ballina to Grafton to Murwillumbah to Port Macquarie to Tweed Heads have increased under Labor. At Port Macquarie hospital the number of people on the waiting list increased from 802 in March 1995 to 1,532 in March 2003. What is most disturbing about the waiting list figures—the Government will not acknowledge this fact—is the blow-out in the number of those who have been waiting more than 12 months for surgery. In Port Macquarie in March 1995 no-one had been waiting for surgery for more than 12 months. However, the latest figures—compiled in March 2003—show that 317 people have been waiting more than 12 months for surgery. This reflects the increase in waiting list times that has occurred across the State under this Government.

The Premier said yesterday and again today in this place that the Government is committed to increasing services without increasing bureaucracy. The Premier again demonstrates his lack of knowledge of the health budget because the fastest-growing increases in that budget are administrative costs. Total administrative staff numbers in Northern Rivers have increased by 36 per cent since this Government was elected. Those staff are not clinicians or nursing staff; they are members of the bureaucracy that the Premier says does not exist. On the mid North Coast administrative and clerical staff numbers have increased 23 per cent under this Government. In the New England area the increase is 16.4 per cent. This Government simply lies and lies and lies. It says, "It's not black; it's white."

Yet today the Deputy Leader of the National Party presented an independent report that blows the whistle on Lismore Base Hospital and other hospitals just like it throughout country New South Wales. The Deputy Leader of the National Party asked for additional funding for the hospital system. We support him in that call. Does the Minister, who lied to the House again today, not believe that the offer today of a $14 billion hospital agreement represents an increase of more than $4 billion over the former $10 billion hospital agreement? The increased funding would be welcomed by Lismore Base Hospital and other country hospitals across New South Wales. The Minister should sit down with the Federal Minister for Health and Ageing and get the money flowing to the State's hospitals as quickly as possible. This Minister—poor Morris—must live with the lies of former Ministers for Health, the Deputy Premier and the current Minister for Infrastructure and Planning, and is now struggling to deliver the sorts of health services that country people deserve.

Mr PAGE (Ballina—Deputy Leader of the National Party) [5.17 p.m.], in reply: As the Deputy Leader of the Opposition said, we should feel a certain amount of sympathy for the Minister for Health, who has inherited a health system that the Carr Government has mismanaged for eight years. I do not doubt for one moment that the Minister is sincere and wants to turn the situation around. He recently took the trouble of visiting my electorate, where he spent a whole day talking to my constituents who are making a difficult decision about the location of the new hospital. I understand from the honourable member for Lismore that the Minister also plans to visit Lismore Base Hospital at some stage in the not too distant future. However, as the Deputy Leader of the Opposition said, we cannot trust this Government. We cannot even trust the figures that the Government has provided in the budget regarding its proposed funding increases. The Minister referred to an 11 per cent increase overall, but the Deputy Leader of the Opposition has it on good authority that it is really a 5.5 per cent increase. The Minister said that the Health budget would increase.

The Minister for Health said that the Northern Rivers Area Health Service funding would increase by 9.4 per cent and rural funding would increase by 10 per cent. Those sorts of increases do not address the issues that need to be addressed in the New South Wales health system, particularly in country areas. The health system is grossly underfunded. An increase of the type the Minister referred to in relation to orthopaedic surgery is, frankly, just tinkering around the edges and will not deliver serious outcomes. It is abysmal that in what might be regarded a first world country, in a reasonably sophisticated and efficient health system, people have to wait four years to have hip replacement surgery at Lismore Base Hospital.

The Minister was correct when he mentioned the expansion of renal services, and Ballina has been a beneficiary. However, approximately two years ago the Northern Rivers Area Health Service indicated that it would employ an additional specialist to assist the overworked Dr William James in renal health services. Dr James was excited at the prospect of having another specialist to assist in his area. But, because of underfunding problems, the Northern Rivers Area Health Service could not pay for that position. I understand that the person will be employed and come on deck in the not too distant future. That is a good example of the Government talking about what it will provide and then not providing it. In the meantime, people are suffering. A lot of people in Ballina who need surgery are in genuine pain.

A 70-year-old gentleman came to see me in tears. He was in pain. He was originally told that he could not get an operation for four years; 12 months later it was put off for another four years—and that is not an isolated case. I assisted him to get into the system. The Government pats itself on the back and says that it will provide an extra 5 per cent to 10 per cent funding, but the endemic problems in the health system in country and coastal areas—identified in the comprehensive independent report—will not be solved unless the Government gets serious about health funding and is prepared to acknowledge the real issues. The Carr Government is good at putting spin over substance, but it can get away with that for only a short time. If the Government cannot manage the health system in an intelligent way and provide the necessary resources to make the health system function in a fair and reasonable way, the outcomes that people in country areas deserve will not be obtained. I thank the Minister and the Deputy Leader of the Opposition for participating in this debate. I hope that it leads to a positive outcome because Lismore Base Hospital needs reasonable health services. [*Time expired.*]

Discussion concluded.

Mr ACTING-SPEAKER (Mr Lynch): Order! It being after 5.15 p.m., business is interrupted for the taking of private members' statements.

PRIVATE MEMBERS' STATEMENTS

ORANGE REGIONAL CONSERVATORIUM REFURBISHMENT

Mr R. W. TURNER (Orange) [5.23 p.m.]: Last Friday a group of my friends and my wife and I attended a concert at the Orange Regional Conservatorium. The concert was held to celebrate the re-opening of the auditorium after extensive renovations. The evening's program was appropriately called "Music on the Grapevine" because we not only had a wonderful concert but we had delightful wines from two Orange wineries—Burke and Hills Winery and Ibis Wines. We celebrated the wonderful music and teaching facilities in Orange, and we recognised the fantastic and fast developing wine industry throughout Orange, Canowindra and Cowra. I congratulate Graham Sattler, music director, and four other members of the conservatorium, who are teachers in Orange, on their delightful concert. I acknowledge not only the support of this Government and that of the previous Government but also the support of Orange City Council. In 1983 the mayor of Orange contacted the Orange Regional Conservatorium and suggested that the old Plymouth Brethren Hall in Hill Street might be worth inspection as a possible development site for a state-of-the-art music education facility. The Orange Regional Conservatorium, impressed by its inspection of the property, commissioned a feasibility study, which proved positive, from Richard Laurie, architect, who stated:

> … the building as it stands would be worth a million dollars for music education purposes, though practically worthless for most other purposes one might conceive.

Prior to that, the conservatorium operated in a council house in Lords Place and the theatre. In 1996 the Ministry for the Arts granted $100,000, in 1998 it granted another $100,000 and it later granted another $150,000 to Orange City Council towards completion of the project. I acknowledge the contribution of Orange City Council, which purchased the original building for $380,000, matched the first Government grant for $100,000 and provided another $250,000, provided a minimum in-kind in free rent, and provided consultation and use of the building in the meantime. The ratepayers of Orange contributed more than $1 million towards this wonderful facility. The State Government has continued the support given to this project by the Greiner Government. I acknowledge the support of the Premier and his Government for this project.

Under stage two $500,00 was provided to complete the construction of four large rehearsal studios on the ground floor and the shell of a music library on the first floor. It is now nearing completion in its skeletal form, with some items having to be deferred to fit within the available funds. When declared finished by the end of July there will be four ground floor rooms available for music education and performance, though the purchase of some sophisticated acoustic equipment for the rooms has been deferred. The shell of the music library upstairs will be usable space for teaching, although the fitting out has had to be deferred pending securing further funds. Within the auditorium some improvements have had to be postponed. The floor remains concrete. However, a brush-box floor is planned, which will improve the already very good acoustics. The old bench seats with vinyl covers have to be recovered, and wool covers are planned. We will have a wonderful facility, which will support some 26 teachers and students from all over the area. There will be some 4,000 entries in the Orange Eisteddfod. [*Time expired.*]

BLACKTOWN DEVELOPMENT

Mr GIBSON (Blacktown) [5.28 p.m.]: My electorate of Blacktown is part of the largest local government area of New South Wales—with a population of some 280,000 people, it is growing at a rate of more than 5,000 people a year. Blacktown is fast becoming one of the major cities in the nation. Blacktown comprises more than 100 nationalities that live in peace and harmony. The mayor of Blacktown City Council is Alan Pendleton, who does a tremendous job. To cater for this growing population Blacktown City Council has an active economic development program to produce as many local jobs as possible. The aim of this policy is to ensure that as many local people as possible can access local employment, with the flow-on benefits of improved family life and environmental enhancement as less time is spent driving to and from work.

Fundamental to servicing this growth is the provision of adequate infrastructure—roads, public transport, hydraulic services such as water, sewerage and drainage, and social infrastructure such as schools, hospitals and child care. I know from close discussion with my local council that it is active in providing local infrastructure for which it is responsible. However, there is a huge need in growing areas like Blacktown for substantial State and Federal investment in major infrastructure. Examples of this are Windsor Road and Old Windsor Road, the duplication and extension of Sydney's rail network, major investment in water and sewerage

plans and, of course, the ongoing needs of schools and hospitals. One of the major tasks of our Government is the provision and financing of this infrastructure, both to serve the new areas and to make up for backlogs in older areas.

Whilst we have made major steps in recent years in the terms of this Government in servicing growing areas like Blacktown, I have substantial concerns over whether the recent concentration on placing major new levies on new development to finance this infrastructure is the proper or best way to go. I understand there are already proposals to add additional levies to new development to finance transport infrastructure and perhaps even the protection of land for conservation. In my view, given that one of the Government's key objectives in this urban development program is to produce affordable housing, we need to be very careful about loading home buyers upfront with additional costs that should be spread over the life of a development. I know the Government currently has this matter under active consideration, and I would urge the relevant Ministers, as a matter of urgency, to consider a broad range of financing options so that we can put the much-needed infrastructure on the ground without disadvantaging young families as they seek to provide a place to live for themselves and their children.

Another matter of concern to me is the need to overhaul all legislation that has a bearing on how and where we can develop these new areas to house our growing population. I know from contacts with my local office and from discussions with the council that there are particular difficulties in the overlapping of some of our legislation, with the result that a proper overview of the best locations and ways to develop are difficult to achieve. I am glad the Government has embarked on a review of some of the planning legislation, and I urge the Government to ensure that one of the outcomes of the review is that sensible outcomes can be arrived at which do not get overridden by single planning legislation.

In my view, legislation like the Threatened Species Conservation Act needs to be taken into consideration as part of the overall context of planning for the future of Blacktown and Sydney so that we get the best conservation outcomes as well as the best development outcomes. For Blacktown, with its growing population and some 100 different nationalities, I think that is a desirable outcome, particularly if we are to achieve the great Australian dream of every Australian one day owning their own home. These days it is becoming even harder for young people to achieve that goal. I hope the Government will take this statement in the vein in which it is presented. I leave it for the Government's consideration.

WILLOUGHBY DISTRICT HISTORICAL SOCIETY

Ms BEREJIKLIAN (Willoughby) [5.33 p.m.]: A very important community organisation in my electorate is the Willoughby District Historical Society. I am proud to say that I recently joined the local historical society, and attended its May monthly meeting. The meeting was extremely well attended. I was both humbled and awed by the amount of information that long-serving members have about the local area, and the depth of their compassion for preserving many traditional and heritage-listed items that have existed in the Willoughby electorate for a long time. Willoughby District Historical Society aims to promote an interest in local history. The society museum is located at 58 Johnson Street, Chatswood. I will discuss the history of the historical society and the important role it plays in the community today.

The society was founded in 1974 by John Christian Vaughan, assisted at the time by the then mayor of Willoughby, David Warner. I am pleased to say that the Vaughan family is still extremely involved in the activities of the society. The inaugural meeting of the society was held in February 1974 in the Bailey Hall, still a common meeting place in the electorate. Some 200 people were present on that occasion. At least 100 people signed off on the night, which was a major achievement. I note in these remarks the current office-bearers of the historical society. Mrs Peggy Canfield is its president, Mr Paul Storm is a vice-president, Mr David Thom is another vice-president, Mrs Mary Thom is secretary, Mrs Mara Heaton is treasurer, Mrs Jean Miller is archivist and acting curator, and Mrs Lyn Leslie is the editor of the newsletter.

I will mention briefly how the society became established and what it does. Founder John Vaughan, a sailor, was touched by tradition and family. He loved discovering the background of his family, which dated back to 1828 in Wales. This nearly 100 years of family involvement in the area became the inspiration for John Vaughan and the blueprint to establish the society. Willoughby Council assisted in procuring suitable premises for the society's activities. Mr John Flint was the head librarian of Willoughby Council at the time, and appropriately held the position of society archivist for a number of years. The goal of the society is to converse with people and other societies to capture the history and character of the area and surrounding districts, and to collect that material for the museum for public accessibility and display. Fortunately, in 1988 a dwelling was

acquired by the society—the museum—but in rather tragic circumstances. A young resident who was only 33 years old tragically died on Mowbray Road and in her will she left her home to the society. This is still the home of the Willoughby District Historical Society, in the museum in Johnson Street, Willoughby.

The convention on which the society was based in 1974 still holds true today. It is the encouragement and fostering of interests of the public of the character and natural beauty of the parish; and the collection and preservation of books, manuscripts, coins, stamps, prints, photos, slides, newspapers, et cetera. The society also encourages the interchange of information by lecturing, reading, discussion, and all things relating to Willoughby and the surrounding districts. I am pleased to say that for a great many years the society met at the Willoughby Legion Ex-Servicemen's Club, and now will be meeting in the Dougherty Centre.

I take this opportunity also to emphasise that in Willoughby we are passionate about our natural heritage and our environment. We are passionate about our sense of community. Willoughby District Historical Society exemplifies all those traditions. The Willoughby Falls at Flat Rock Creek, the unique architecture and streetscape of Castlecrag—which is ably protected by the Walter Burley Griffin Society—the famous bridge at Northbridge, the 1920s California bungalows and the Federation homes dispersed throughout Willoughby, Naremburn and Artarmon are but some of the unique heritage and environmental features within the area, not to mention the many significant historical aspects and amenities. I take this opportunity to commend the outstanding work that the Willoughby District Historical Society executive and members do in the community. I look forward to participating in its future activities.

DEATH OF MR CHRIS MILLEN

Mr GREENE (Georges River) [5.38 p.m.]: Normally I take the opportunity during private members' statements to report on the many positive events that occur throughout my electorate. Today, sadly, I have to record the death of Chris Millen, whose funeral I attended earlier this afternoon. Any death arouses our emotions, but the loss of a fit, healthy young man at the age of 31 is particularly tragic, especially when it was the result of an act of madness. Honourable members undoubtedly read of Chris's death as the result of a vicious attack the weekend before last. Chris's parents, Joe and Margaret, his brother, Martin, and his sisters Kerry, Loretta and Renee were joined at Our Lady of Fatima Kingsgrove by a large crowd of relatives and friends. The mass was concelebrated by the parish priest, Father Terry Brady, and Father John McSweeney.

I am sure everyone in attendance was struggling to come to grips with the reason for his death. Sadly, that question will remain unanswered. One thing that was clearly demonstrated today was the enormous love and faith in the Millen family. Martin and younger sister Renee gave beautiful eulogies that demonstrated not only their love for their brother but also the strength the family had summoned to deal with its loss. Joe and Margaret, two special people, obviously have instilled in their children a great love of family, life and God. A PowerPoint presentation at the end of the mass highlighted that this was indeed a celebration of life, a life that was energetic, full of humour, full of friends, and diverse in interest: a life of a young man with enormous talent and a desire to share it.

The Prayers of the Faithful read by Margaret were testimony to a family who, at a time of their own grief, thought of others—Chris's friends at Westpac, where he loved his work, the doctors and nurses who cared for him in his last days and the United States Marine Corporal, Jason Belmont, who had come to Chris's aid, even the man whose actions led to Chris's death. It is a remarkably compassionate family. I attended the funeral because I had coached Chris in cricket and rugby league in the early and mid-1980s, and I attended the Millen home on a number of occasions. Chris was a talented sportsmen. I first met him when I was coaching Martin. In late 1981 I selected Chris, who was then playing cricket for his school, Our Lady of Fatima at Kingsgrove, in the association's under-10 representative team.

Chris was an aggressive batsman and a handy bowler. We travelled to Woodlands Oval to play Hawkesbury on a hot day on what was then a new ground. Chris came to the wicket when the team was in trouble. He and Steve McDonagh put on 88 runs. That turned the game and set up our victory. It was a typical Chris innings: not a lot of style but plenty of determination and commitment. The day before he had scored 50-odd, and he scored runs in most games that representative season. As a bowler he was also successful. I encouraged him to bowl what the boys called "oopsey doopseys": toss them up on a length, no spin required and wait for the opposition to pop up catches, which they did.

We won the Foster Shield that year. Chris was a major contributor in what was a close and friendly team. It is significant to note that a number of the players and their parents were in attendance today. I coached

Chris during the next two club seasons and also in his second year of under-12 representatives. He was always a player who could be relied on to give of his best, basically because he had a huge desire to win, but always in a sportsman-like manner. I coached Chris in rugby league in 1982 and 1983 when he was in the under-10s and under-11s. He was a talented footballer, again fuelled by his desire for success. In 1982 we finished runners-up after a close grand final loss, but in 1983 we went one better by beating Brighton 6-0.

Chris had a superb game, charging through the forwards and tackling with venom. I am not sure, but he may have received the man of the match award from the junior league. In later years Chris's talents with the golf clubs—he played off two—and the pool cue—he was runner-up in the Australian 9 Ball title—came to the fore. He was also a good basketballer during his years at Christian Brothers, Lewisham. I know his talents with the cue came from his father, himself a champion. Chris had a young son, Jared, whom he loved dearly. I am assured that Jared has inherited his father's humour and zest for life. I hope he does not try to emulate his father's feat by jumping off the billiard room roof into the neighbour's pool. As I stated, today's mass was a celebration of Chris's life, a life worth celebrating. Chris will be missed sadly but, more importantly, remembered fondly.

UNIVERSITY OF TECHNOLOGY KU-RING-GAI CAMPUS

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [5.43 p.m.]: I raise the concern in my electorate about the future of the University of Technology, Sydney [UTS] Ku-ring-gai campus. At the outset, and in the interests of full disclosure, I point out that I live in a suburb adjacent to the site. Last week local media reported that UTS was considering the future of its Lindfield campus. Yesterday I met with the Vice-Chancellor and Chief Financial Officer of UTS, who confirmed that the options under consideration included proposals for increasing student numbers at the campus, including considering establishing on-site residential activities for UTS students. I understand that currently the equivalent of 3,000 full-time students use the Ku-ring-gai campus. I understand further that options being reviewed include more than doubling this figure. Another option is a consolidation and relocation of current courses offered at Ku-ring-gai to the UTS Broadway campus. Such an option would, obviously, require significant redevelopment of Broadway that would, as I understand it, be financed through the sale of the Ku-ring-gai campus.

I indicated to the Vice-Chancellor my preference for the Ku-ring-gai campus to continue to be used as an education precinct along its current lines. I also suggested that the university commence consultation with local residents about its plans for the campus as a matter of urgency. Even though I understand that the UTS has already briefed local Ku-ring-gai councillors about the proposal, my view is that direct communication with the local community remains essential. The UTS Ku-ring-gai campus is located on a magnificent site overlooking Lane Cove National Park. Its 22-acre—or 9-hectare—site is located within the residential suburb of Lindfield. The site has an interesting history. At one stage part of the area had been used as a rifle range. In 1971 the former Balmain Teachers College relocated from Smith Street, Balmain, to the Lindfield site and was renamed William Balmain College.

In 1974 it was renamed Ku-ring-gai College of Advanced Education and in 1990, under the Dawkins reforms to university education, it was subsumed within the new University of Technology, Sydney, structure. The buildings that make up the current campus won the Sir John Sulman award for design from the Royal Institute of Architects. In 2001 the State Government considered relocation of Chatswood High School to the site. The proposal, subsequently abandoned, would have resulted in the high school and the university sharing the site. The Director-General of Education and the Minister for Education and Training confirmed recently that they have no intention of revisiting that decision.

My concern about the latest proposals under consideration, raised with me by the UTS, centre on the impact they may have on local traffic levels. Access to the campus is via Eton Road, a local suburban street. Unlike similar institutions, it is not accessed from a regional State road. As one might expect from an institution with 3,000 full-time equivalent students, traffic is already an issue with surrounding residents. Parking restrictions on the street immediately adjacent to the entrance of the campus attest to council's efforts to balance the needs of residents with the use of the site as an educational facility. Obviously, any proposals that seek expanded use of the site, either under its present arrangement, as an alternative educational facility or as a residential development are likely to result in increased local traffic on residential streets.

Combined with the existing traffic volumes, rat running on local streets during peak periods and limited traffic light controlled points of access to the Pacific Highway, proposals involving additional traffic would adversely affect the safety and amenity of surrounding streets. I also note existing problems experienced in Grosvenor Road, adjacent to Lindfield Public School, when the morning peak period and start of the school day

coincide. Additional traffic volumes could have a serious impact on student pedestrian safety. There is no doubt that the future of the site is a vexed issue. In the briefing the UTS indicated that no option under consideration involved the status quo, that is, no change to current operations at Ku-ring-gai.

Given the ownership of the site and the land value, it is hard to envisage circumstances in which it reverts to bushland or passive recreational use. Should it be determined ultimately that the site is to be redeveloped for private residential purposes—and that decision is yet to be made—I make no secret of my preference for detached dwellings in line with the surrounding residential character of the area. Ku-ring-gai council may play a role in the future use of the site. I say "may" because, given the actions of the Minister for Infrastructure and Planning to date in relation to Ku-ring-gai, there can be no guarantee that planning decisions about the future of the campus will be made by the local community through Ku-ring-gai Municipal Council. The former Minister for Planning assumed direct control over six smaller sites across Ku-ring-gai as part of his ongoing battle with Ku-ring-gai council over the residential strategy, State environment planning policy 53, and developments of up to seven stories are threatened for those sites.

Neither the new planning Minister nor his assistant Minister, who meets with council next month, has given any indication that they would take a different approach to the one adopted by the former Minister for Planning. I call upon the Minister to allow the community, through council, to ultimately decide the zoning issues in relation to the site. I repeat my call for the UTS to consult actively with residents about the options currently before it. I call upon local councillors to work with the UTS and the community to try to identify realistic options that preserve local character and amenity. I also urge councillors not to again create conditions to justify direct ministerial intervention in a local planning issue. I commit myself to support those efforts, and to keep residents informed on progress.

VOLUNTEERS IN POLICING TENTH ANNIVERSARY

Mr NEWELL (Tweed—Parliamentary Secretary) [5.48 p.m.]: One of the great cornerstones of our society is volunteerism. I want to pay tribute to a number of volunteers from the Tweed. Volunteers in our emergency services and other areas rightly receive great publicity for the work they undertake on behalf of the community. Yesterday the Minister for Police commended the 700 New South Wales Volunteers in Policing [VIP] for their one million hours of service, which marked the tenth anniversary of the program. The Minister for Police met 12 VIPs at a function at Parliament House and awarded four of them with 10-year commemorative pins.

I congratulate three local people from the Tweed who attended at Parliament House yesterday and received certificates in recognition of their hours of work and dedicated service as Volunteers in Policing. Ms Terri Bradley has given 2,763 hours of service. She maintains the community care register and assists with elderly residents by checking on their welfare. Ms Bradley will clock up 10 years of service with the VIPs in December this year. I also congratulate David Harper who has given 3,013 hours service. He maintains the key holders register and assists with the Police and Community Youth Clubs. He will also clock up 10 years of service in December this year. Helen Sommerville has given 2,645 hours of service and assists with victim support, follow-up and aged care.

As I indicated, these wonderful volunteers joined with the Minister of Police and nine other VIPs from around the State in a function at Parliament House yesterday. They were acknowledged for the fine work they have done. I place on record my gratitude for the hours of work that they have contributed. When people clock up something like 3,000 hours in 10 years, which works out to a complete day's work in every week for 10 years, we appreciate their achievements. That is not a bad record of volunteerism. Volunteers perform a tremendous service within the New South Wales Police Force and in the local community. They relieve police officers of some of the more mundane work around police stations but, more importantly, they are in contact with members of the local community. Because of that, they have become a great part of the New South Wales Police Force. They are not only volunteers; they extend the New South Wales Police Force and put a human face to it that some people would not normally see.

I also congratulate Gordon Leveson, who is associated with the VIPs and with whom I work very closely. I do not know how many hours Gordon has contributed but it seems to me that he works almost full-time as a VIP. Each time I am around the police stations, I bump into him. If I am at a police accountability community team [PACT] meeting I come into contact with him because he is a representative. Gordon has a huge commitment, and he spends a lot of time on both the PACT and Neighbourhood Watch. His efforts are absolutely fantastic. I congratulate my three constituents who attended at Parliament House yesterday. I know

that there are many other volunteers in my electorate who may not yet have contributed as many hours as those three, but they are just as dedicated, as indeed are many other volunteers throughout the State. I also congratulate the four people who received their VIP commemorative pins for 10 years of service. I acknowledge that three other volunteers from the Tweed-Byron Local Area Command will also be eligible to receive pins in December. Well done!

ROADS AND TRAFFIC AUTHORITY DRIVERS LICENCE TEST PAYMENT METHODS

Mr MERTON (Baulkham Hills) [5.52 p.m.]: I bring to the attention of this House the concerns expressed to me by a young lady who resides in my electorate of Baulkham Hills. Karen Martin has advised that she was seeking to make an appointment to undertake the required test to be granted a driver's licence. She was upset to find that the Roads and Traffic Authority [RTA] would not allow her to make the appointment over the telephone unless she provided her credit card details. Ms Martin believes that such a requirement by the RTA is discriminatory as many young people simply do not have credit cards. The question may well be asked whether the Carr Government insists that every person has a credit card in their possession.

Media reports have declared that Australians undertook record spending on plastic last Christmas amounting to $11 billion and that the nation's credit card debt amounted to $22.86 billion, which represented an increase of $493 million in credit card debt. They are big figures by any standards. Currently, credit cards are easily obtained and people perceive that they can have the things that they want, such as DVD players, and that their peers have. It is paying back the debt that starts the problems. It is easy to take goods home from a shop, but when the bill arrives at the end of the month, the debt has to be repaid. When Credit Line Financial Counselling Services was contacted, the advice received was that 80 per cent of the people who approached the organisation seeking help with their finances had problems related to credit cards.

The Government must take into account that many people choose not to have credit cards—and for good reasons. Apart from the risk of overspending their budget, many people hold grave fears about credit card fraud. We are in an era of high-tech theft. There have been reports of thieves attempting to skim credit cards. Skimming involves electronically copying the details of credit cards by swiping them through special readers and then transferring the data to blank cards. Reports of such occurrences naturally frighten people. New South Wales residents should have the choice of whether to have a credit card.

When my constituent Karen asked what other options she had to make the appointment, she was advised that she could go into an RTA office and pay cash. That meant that this young lady would have to take time off work to travel to the RTA office to make the appointment and then take more time off work to take the driving test. She believes that in the circumstances she did not have much of a choice: Either she had to have a credit card to book the appointment over the telephone or she had to take time off work on two occasions. My constituent believes that the public deserves better than that. While I appreciate that some people may not keep their appointments, at the end of the day people who are dealing with the RTA should be given some leeway, particularly young people who do not have credit cards because of their financial circumstances or simply because they have decided that they do not want to become tempted to incur debt that could eventually be beyond their control.

At the service centres run by the RTA that I have visited the staff seem to be polite, courteous and efficient. The RTA has a good, hardworking staff, but the issue is whether the guidelines are appropriate. I ask the Minister for Roads to examine this issue and ascertain what can be done so that people will not have to attend RTA offices in person to pay for their licence tests and then attend on a subsequent occasion, necessitating their taking more time off work, to take the test. Surely there must be an alternative to a person being compelled to provide details of a credit card, because, as I said earlier, there might be good reasons why they do not want to have a credit card.

Mr George: What about customer service?

Mr MERTON: At the end of the day, as the honourable member for Lismore points out, the adage about customer service is 100 per cent correct. I ask the Minister to examine the problem so that people such as Karen Martin will be able to overcome a difficult situation that is causing great inconvenience.

PADSTOW COMMUNITY CHILD CARE CENTRE CLOSURE

Mr ASHTON (East Hills) [5.57 p.m.]: In February 2003 the parents of children attending Padstow Community Child Centre were informed that the child care centre would be closed at the end of the year. A note was sent to the parents which stated:

> As you may know, the centre resides on land owned by the Padstow Baptist Community Church and together with Padstow Community Care there are plans to build a new church and supporting counselling services for the area.
>
> A Child Care Centre is not included in their plans.

That note left parents in uproar. A meeting between church representatives and the parents took place on Tuesday 11 March and, to the surprise of the church, 100 people were in attendance. The children were represented not only by their concerned parents and staff; they had overwhelming support from the Revesby Uniting Church Day Care Centre, the Revesby Now and Then Day Care Centre, the Bankstown Community Resource Group and the concerned neighbours from the community. The community was incensed by the decision that the Baptist Church had reached without consultation with the community, namely, the children and their parents. At the meeting, Mr Geoff Watt, the chairman of the management committee, said that there was no room for negotiation. A parents and community committee was formed by Phil and Lyn Alsop-Guest, Tanya Ryan, Melissa Bessenyei, Danni Callaby, Debbie Liakokos, Kerrie Christie, Leah Donavan, Rebecca Durya, Belinda Hofman, Joanne and Steve Mellars, Matt Patton, Amanda and Andrew Rosario, Cilla Saurine, Merrin and Mark Tischler, and Cahli Wall.

A letter was sent to the Baptist Community Church Management Committee detailing the community's concerns, which included the fact that parents' working arrangements would be severely disrupted, there would be inferior care of their children, current family structures would be disrupted, and emotional disruption would be caused to the children Local community issues included the high demand for local affordable child care facilities, a demand that could not be met in Padstow, and the continued decrease in available facilities. The commitment of local religious groups to the local community was also questioned. Both parties agreed to hold another meeting on 29 April to again discuss all concerns. In the meantime, an active group was organised, and the group approached me. They contacted my office and I agreed to arrange a deputation to meet the Hon. Carmel Tebbutt, the Minister for Community Services. The Minister advised that her legal team was investigating the legality of the apparent closure. It was thought that there was a deed that stated the preschool had to operate for 21 years, not for the 17 years it has been running.

The committee met also with the Mayor of Bankstown, Miss Helen Westwood, and the Federal member for Banks, Mr Daryl Melham, who assured the committee that they would fully support the cause in any way they could. At a committee meeting on 19 April, which I was unable to attend because Parliament was sitting, a mediator from the church attended, along with various members of Parliament and the mayor. The outcome of that meeting was not much better: the church reluctantly agreed that if any such deed was located the church would honour it, but it did not feel it had any moral obligation to continue running the preschool. The committee left, dismayed, but more determined to continue its actions. Our local newspaper, the *Bankstown-Canterbury Torch*, has followed this story keenly, and I thank the paper for its support of the parents and the community.

After many meetings and hard work by the parents and community committee I was pleased to announce that the State Government had issued a $800,000 grant to assist in constructing a new child care centre in the environs of the original centre. I assure honourable members that the community is overwhelmed at the generosity of the Minister and the Government. I take this opportunity to thank the Hon. Carmel Tebbutt for that funding. I thank also the driving forces behind the work of the community committee: Joanne Mellars, a parent; Andrew Rosario, a parent; Amanda Rosario, a parent; and Cahli Wall, from Bankstown Community Resource Group. To date, I understand the Kindergarten Union is willing to absorb the Padstow Community Child Care Centre, including all children and staff. The Department of Education, Community Services, the Bankstown Community Resource Group and Bankstown City Council are at present negotiating for a site for the centre.

Although there will be a shortfall of $200,000, I am sure that money will be found and the young kids will be able to attend a preschool in their area. The parents and community committee is faced with the difficult task of constructing the centre in time to begin operations in April 2004. This is a great example of a small group of parents who, when confronted by an unfair decision to close their preschool at short notice, effected a great win. I thank the State Government for coming to the party with $800,000. That is big money. The closure does not reflect well on the Padstow Baptist Community Church. Obviously it did not understand the need to follow the correct process to close the preschool and institute changes on the site.

CLARENCE ELECTORATE CRIME

Mr CANSDELL (Clarence) [6.02 p.m.]: It is with regret that I inform the House of the growing concern within the communities of my electorate of Clarence about increasing violence on our streets. Unfortunately, all the good efforts of the police in our district seem to be to little avail when dealing with thugs who have little or no respect for the law. It is also a matter of concern that some magistrates are apparently not listening to public opinion or accepting Government legislation that was designed to get tougher on crime. In that regard, it was pleasing that the Office of the Director of Public Prosecutions appealed against a recent inappropriate minimal sentence handed down after a serious, unprovoked vicious attack in Prince Street, Grafton, that left a young man with brain damage and on a disability pension for life. The community expects the police to be supported by the courts when violent lawbreakers are found to be guilty. The same applies to the granting of bail.

The recent Bail Amendment Bill was supposed to force magistrates to seriously consider a felon's violent background before granting bail. Yet, over the past few weeks there has been a rash of violent incidents in the Clarence Valley, including an attack on a tourist with an iron bar at Yamba last weekend. The assault left the victim with a broken jaw and other injuries. Also, last week a man involved in an altercation had his eyeball clawed out of its socket and will probably lose the sight of that eye. Last weekend there was a vicious assault that left an innocent victim with a broken jaw and other injuries after being king hit and repeatedly kicked while on the ground by his cowardly attacker.

Amazingly, although the alleged attacker had a lengthy and violent criminal history, the magistrate granted him bail, without any consideration for the safety of the community. That assault followed a stabbing in Maclean the previous week in which a patron of a hotel had a glass jabbed into his throat, slashing his jugular vein. Despite the victim nearly losing his life and the extreme violence of this savage attack, the alleged attacker was granted bail. I speak for the majority of concerned citizens of my electorate when I say that the State Government should seriously seek more co-operation from magistrates in keeping in line with broad public opinion. The police have a difficult job at the best of times. They do what they can, with limited numbers and a shortage of resources, to protect the community. They need the support of the courts when they bring cowardly violent people to justice. In view of the recent violence in the Clarence electorate, I call on the Minister to ensure that police numbers are brought up to a level that is necessary to regain control of the streets of our towns and villages, particularly at night. Nothing short of that will be satisfactory to give the people of my electorate the protection they deserve.

KANWAL PUBLIC SCHOOL PRINCIPAL MS JUDITH JAMES RETIREMENT

Mr CRITTENDEN (Wyong) [6.06 p.m.]: Tonight it is my pleasant duty to announce the retirement of the principal of Kanwal Public School, Ms Judith James. Her last day of work was Monday 30 June. To mark that auspicious occasion a pleasant send-off was held at the Belmont 16-Ft Sailing Club last Friday night. Because of the limited seating capacity at the venue only 75 people were able to attend. But for that limited capacity, perhaps double that number would have attended. The farewell was arranged relatively hastily because Judith gave notice of her impending retirement only at the beginning of June. Judith James was the principal of one of the three biggest schools in the State: more than 900 students attend Kanwal. We often hear from educationalists about their great desire to have schools limited to 450 students. There might well be some merit in that idea, but essentially schools revolve around the leadership of the principal and action in the classroom.

Judith James was able to motivate the teachers at the school to produce excellence in education—so much so that a few years ago it was common for real estate agents, when placing advertisements for rental properties in local papers, to state "This home is in the drawing area for Kanwal School". On any measure that is an indication that Kanwal school was doing something good. Judith James was the driving force behind that. For more years than I care to remember I have attended presentation nights at Kanwal school, which are usually held on the second Tuesday of December. One impressive thing about attending presentation nights at Kanwal is that all the teachers turn up. They present two or three awards to students who have either improved, excelled, or made some contribution to the class by way of citizenship.

It is always good to see so many teachers turn up. I am sure that happens in many other schools as well. However, I am sure that Judith James is the driving force behind the dedication of those teachers. From my point of view as a member of State Parliament, Judith was not the easiest principal to get along with. My electorate is growing rapidly and although Kanwal school has some 900 students, there is a conga line of people waiting to get in. As occasionally happens, people will make an appointment with their State member to find out why their child cannot get an out-of-zone placement at Kanwal school.

On occasions some people presented such compelling arguments to me that I was forced to telephone Judith. When I did so I was always greeted with the reply, "You know me, Paul. I always follow departmental policy. I cannot deviate from that policy." Although I have not always agreed with Judith I have respected her as a person of great integrity and someone who follows the letter of the law. Judith has made a valuable contribution to enhancing public education in this State—a view that I believe to be shared by the wider community. When I attend community functions it is obvious to me that Judith is respected by many people. I am sure that a number of property officers in the Department of Education and Training will be happy that she has gone, as she was something of a challenge to them during her teaching career.

Prior to coming to Kanwal, Judith was principal of Tighes Hill Public School. At that time she managed to convince the Minister for School Education, Virginia Chadwick, that two homes adjacent to the Tighes Hill Public School should be demolished to increase the play area for students. When Judith arrived at Kanwal some six years ago and pointed that fact out to me I knew that I had a challenge on my hands. When we have been involved in battles relating to properties at the Kanwal site we have always been able to negotiate what I believe to have been a fair deal from Judith's point of view—no doubt because of the force of her personality. Judith James's leadership was evident early in her life. She was captain of Swansea Public School and Belmont High School. My father taught Judith—and I will not say in what year—when she was studying for the Leaving Certificate at Belmont High School. Judith is bright, committed and intelligent, and she believes that education involves teaching a child to meet Mother Nature on her terms and on her ground. Judith acquitted herself well by ensuring that every child achieved that goal at Kanwal school.

TAMWORTH POLICE AND COMMUNITY YOUTH CLUB

Mr DRAPER (Tamworth) [6.11 p.m.]: Tamworth Police and Community Youth Club [PCYC], which commenced operation in 1936, is generally recognised as the first PCYC in New South Wales. It is still housed in the original courthouse building, which was constructed over 150 years ago and still contains the original holding cells. The building has undergone many extensions and refurbishments over the years, the latest being the soon-to-be-completed addition of a pump youth space—a space to be used by the PCYC in conjunction with Tamworth City Council to provide facilities and programs for the youth of the district. It will include a computer room with Internet access in which young people can do homework and access information in conjunction with Tamworth TAFE, the Department of Education and Training and Newtrain, an organisation for the training, development and education of young people who are dropping out of school. It will also include a kitchen, dance floor and stage, with state-of-the-art music and lighting.

Live bands will play at the PCYC, and will be supervised by police. No alcohol, drugs or cigarettes will be permitted. The games room will include three pool tables, video music and screens so that young people can watch television programs. Newtrain is also running a living skills program at the PCYC to teach street kids or young people who are living on their own to manage a budget, buy nutritious food and learn to cook meals, rather than just buy a packet of cigarettes and a pie. It is also in the process of commencing an interaction program between senior citizens in the district and young street kids. Under this program every month young street kids will cook a meal for the elderly. That will help to break down many barriers and give kids an opportunity to develop relationships with older people who are pleased to act as grandparent role models for these disadvantaged young people. Older people who are now coming to the PCYC are interacting with young people, playing pool and learning computer games.

When Tamworth PCYC needed funding for a program called On Your Bike, the New South Wales Government came to the rescue. The PCYC received over $8,900 in funding to run this initiative through the Department of Sport and Recreation's Youth in Sport Program. Local police donated to the PCYC bikes that had been stolen and not claimed. Community members also donated unused bikes. This program targeted kids with no transport who were living away from home and, on the whole, not attending school. In conjunction with Tamworth TAFE and Centrelink, they learned how to strip down, repair and respray bikes and repair punctures, among other skills. After 10 weeks the kids had virtually built new bikes, which were then given to them by the PCYC, along with safety helmets. That program built confidence and self-esteem and gave those kids a transport option that they simply could not afford before, which is important in a town the size of Tamworth.

Since November last year the PCYC has been running a program called Sport a Fortnight, which targets predominantly indigenous and disadvantaged kids who rarely play sport. Those kids have now been horse riding and played tennis. They were also taken to the coast, where they learned to ride a surfboard. They have played golf and tenpin bowling and have participated in go-kart racing and water polo. They have had an opportunity to experience a number of activities that they would not have previously experienced. Tamworth

PCYC has received many accolades from the police service, which recognised its effectiveness in reducing youth crime in the district. Credit must go to two brilliant police officers who work at the PCYC. Dale Duncan and Greg Hunt epitomise everything good about the PCYC. They have developed wonderful relationships with young people, the service provider network in Tamworth and the business community.

In the past few years I have been fortunate to work closely with Dale and Greg in my role as President of Tamworth PCYC. It was a rewarding experience. One of the recipes for the success of the PCYC has been the makeup of the club council that oversees the organisation. The current council comprises representatives from Tamworth Youth Refuge, Newtrain, H and H Accredited Training and various business houses in Tamworth and surrounding districts. By getting representatives on the council from organisations dealing with youth and youth issues, Tamworth PCYC has developed a much better relationship with young people. Fundraising is a major issue at the PCYC. It costs Tamworth PCYC around $135,000 each year just to keep its doors open.

That money has to be raised by the club, with no recurrent funding from the Government. Given the obvious benefits in crime reduction and youth education, I believe that the Government should be offering financial support to the PCYC so that it can concentrate on helping kids and not raising money. The club has been able to access some funding through government grants and community funding, but it still spends an enormous amount of time and effort in raising money. The New South Wales Government should recognise the importance of the PCYC and the contribution it makes to rural and regional communities such as Tamworth. I hope that the Government allocates funding that will enable those communities to get on with the job of looking after kids rather than devoting their energy towards raising funds.

COMPANION ANIMALS

Mr BARR (Manly) [6.16 p.m.]: Tonight I refer to companion animals and, more specifically, to dogs. Recently there was a local furore in Manly because dogs were being taken to coffee shops and restaurants. The problem arose when council sent notices to some restaurateurs because they allowed dogs on footpaths adjacent to dining tables, in contravention of the Companion Animals Act. I do not want to belabour a point that was dealt with at length by the Manly and metropolitan press, but I believe that Manly council dealt with the problem sensibly and pragmatically by stating that, as restaurateurs were self-regulating, they should deal with the issue as they saw fit. It highlights a deep issue—that is, the role of humans and companion animals and the way in which they have developed together over many thousands of years.

A fascinating area of study known as arcane zoology examines the symbiotic relationship between dogs as they evolved from canis lupis, the wolf, to canis familiaris, today's domestic dog. Some people believe the development of homo sapiens to be linked quite closely to domesticated dogs. One of the questions that must be asked is whether dogs adopted us or whether we adopted them. As I said earlier, this is a deep issue. Quite extraordinary emotions arose in response to the inclusion of dogs at cafes. A local group called Paw Power, headed by Suzannah Mayfield, was formed to fight for the rights of people to take dogs to restaurants. It was quite effective in putting forward a case.

There is a pet in almost every household that one visits—invariably a dog or a cat. Those animals play a pivotal role, a role that should not be underestimated, in family life. Some people might seek to denigrate that role by stating that it might be some sort of neurotic fixation by people who cannot focus their attention on other adult humans. As an avowed, unashamed and unabashed dog lover, I disagree with that view. Dogs play a critical role in family life. Our family has a dog. She is 14½ years old and she has become incontinent. She sleeps on a trampoline bed with a basin underneath, which I rinse out daily. You will be pleased to know, Mr Acting-Speaker, that she has been on oestrogen therapy for the past few days and that has done the trick so far.

People like me go to extraordinary lengths to make sure that our animals are happy and can interrelate with the family. However, city planners, developers, councils and State governments must recognise adequately the important symbiotic bond between companion animals and humans. They fail to do so at their peril because animals are very important to people. When older people take their pet dogs for walks it gives them a chance to interact and talk with others with similar interests. A pet dog can be terribly important to those who live alone. We must not downplay or denigrate the role of companion animals. We should ensure that our planning processes, bylaws and regulations take account of companion animals. A five-year review of the Companion Animals Act is under way and these sorts of issues should be considered carefully in that context. In the meantime, I believe people should be allowed to bring their dogs to outdoor restaurants. Those restaurants that do not want to allow animals do not have to, and those people who do not like to see dogs near tables do not have to frequent those restaurants that allow dogs. There is scope to reach a sensible compromise in this matter.

Private members' statements noted.

[*Mr Acting-Speaker (Mr Lynch) left the chair at 6.21 p.m. The House resumed at 7.30 p.m.*]

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL

Bill received and read a first time.

Second reading to stand as an order of the day.

NATIONAL ABORIGINAL AND ISLANDERS DAY OF OBSERVANCE COMMITTEE WEEK

Matter of Public Importance

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs) [7.30 p.m.]: I ask the House to note as a matter of public importance National Aboriginal and Islanders Day of Observance Committee [NAIDOC] Week 2003. I acknowledge that we are meeting on the traditional land of the Gadigal people of the Eora nation. Next week is NAIDOC Week, which we can celebrate and talk about in a bipartisan manner in this place. Many honourable members wish to speak about NAIDOC Week so I will not reply to this discussion in order to permit more of them to make a contribution. NAIDOC Week is about the Aboriginal community celebrating its identity, culture and survival and demonstrating that, in spite of all that it has faced, its sense of community, togetherness and determination is still strong and its people continue to move forward.

This week is an opportunity for Aboriginal community members to get together. They may meet at sporting carnivals or community barbecues or get together for karaoke—which, in Sydney, seems to be called Koori-oke. This is a week for Aboriginal people to share their stories and traditions and to celebrate their culture, and the whole community benefits. Local councils around the State are embracing NAIDOC Week and organising activities. There is a film festival in Parramatta and an exhibition in Tamworth celebrating indigenous Australians. They are just a couple of events of many that will occur across the State.

There are more local councils flying Aboriginal and Torres Strait Islander flags all year round. These are all good signs that understanding and acceptance of Aboriginal culture and history is spreading among the Australian community. This year's NAIDOC Week theme is "Our Children, Our Future". In my roles as Minister for Education and Training, and Minister for Aboriginal Affairs, I want to see educational outcomes for Aboriginal people to match, or better, mainstream outcomes within a decade. It is not right that in 2003 we have such disparity. Certainly the basic skills literacy test results show that Aboriginal and Torres Strait Islander students' average scores in years 3 and 5 have increased since 1996.

But we need literacy and numeracy results to significantly improve, and we need higher retention rates. These are the building blocks for education. We targeted those areas in the budget handed down last week. This year we will provide $39.2 million to support Aboriginal services for more than 34,000 students across the State. This will include the employment of approximately 320 Aboriginal education assistants in public schools. This shows that Aboriginal people working effectively with teachers in classrooms and liaising with Aboriginal parents can improve outcomes for students.

NAIDOC Week is being celebrated throughout our education system. For example, the North Coast Institute of TAFE has planned a luncheon and an open day for Aboriginal community members on Tuesday 8 July at the Djigay Centre of Excellence in Aboriginal Education at the Kempsey Campus. Many schools will have flag-raising ceremonies. Lewisham Public School has organised talks on reconciliation with Aboriginal community members, an Aboriginal dance performance, poetry and storytelling, excerpts from the movie *Rabbit Proof Fence* for upper primary students, and a "Hands up for reconciliation" display in the playground. Dulwich Hill Public School in my electorate will hold a community night on 3 July to celebrate Aboriginal and Torres Strait Islander culture. Aboriginal footballers from South Sydney Rugby League Club have also visited the school and met students.

I am proud to announce tonight that the Government, through the Department of Aboriginal Affairs, will offer scholarships to six Aboriginal students in years 11 and 12. The one-off scholarships are worth $1,500 each and will help students to continue their studies. Two scholarships will be offered to students in the Sydney area and four to students in rural and regional New South Wales. These scholarships are joint initiatives with the Aboriginal and Torres Strait Islander Commission of New South Wales, the New South Wales Aboriginal Land Council and the Department of Aboriginal Affairs. We are interested in ideas providing real benefits to the Aboriginal community, which is what these six scholarships will do. Those benefits will extend not just to the students but also to their schools and communities. It will send the message that doing well at school brings rewards, recognition and respect.

These scholarships will create role models not just from the sporting field but also from the classroom. Aboriginal communities will benefit from this project. The scholarships will be officially launched at a flag-raising ceremony at Sydney Town Hall on Monday 7 July and they will be awarded at the end of the academic year. Just yesterday we learned of the amazing discovery of 4,000-year-old Aboriginal rock art in Wollemi National Park. That is wonderful evidence of the rich and deeply spiritual culture of the original inhabitants of this land. This NAIDOC Week we celebrate the survival and strength of Aboriginal Australians. With the week's theme "Our Children, Our Future" in mind, we will continue to work in partnership with Aboriginal people to achieve the goal of equity. I wish everyone in the State a very good NAIDOC Week. I hope they enjoy their celebrations.

Mr HAZZARD (Wakehurst) [7.36 p.m.]: The Coalition supports the sentiments expressed by the Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs regarding the celebration of National Aboriginal and Islanders Day of Observance Committee [NAIDOC] Week. NAIDOC Week provides an opportunity for Aboriginal and non-Aboriginal people to come together and celebrate our Australian Aboriginal heritage and to understand and learn more about that heritage. There have been many wonderful achievements in the Aboriginal community, and NAIDOC Week gives young people the chance to reflect upon those successes and great cultural contributions and the cultural basis provided by 40,000 years of Aboriginal occupation of this country.

For many years the New South Wales Coalition and the Labor Party in this State have, as far as practicable, adopted a bipartisan approach to Aboriginal issues in New South Wales. We acknowledge that the concepts of reconciliation and understanding are extremely important to the way in which New South Wales, and indeed Australia, move forward. NAIDOC and reconciliation give people from vastly different communities and backgrounds with vastly different life experiences the opportunity to come together, recognising a common future and destiny born from our history. I have spoken several times in this place about reconciliation and NAIDOC and the opportunities that this important week presents for us all. It is a celebration of Aboriginal history and Australia and of how Aboriginal people have made us what we are today.

I note that the theme for NAIDOC Week this year is "Our Children, Our Future." The Coalition would like to see far more done for our children and our future. I recollect some years ago visiting Broken Hill prison. There is an open area in that prison with Aboriginal paintings on the walls that are topped with barbed wire. Unfortunately, Aboriginal people are disproportionately represented in the population of that prison, as they are in so many other prisons throughout New South Wales. It was obviously not a nice place to be and I did not know what to expect in that environment. I sought permission to speak to some inmates when the officers were not present. In the middle of the prison grounds there is an open area with a small hut, which contains a pool table. I went to the hut, where about half a dozen Aboriginal inmates were playing pool or snooker.

When I told them I was the shadow Minister for Corrective Services and also shadow Minister for Aboriginal Affairs a few of them showed an interest, and others moved away. One inmate, a very large man, indicated a willingness to talk to me. I said to him, "I am not here necessarily to make your life any more pleasant in this environment, but I am here to make sure that I learn from your circumstances, and perhaps you can help me to learn what I can do to help other people who might find themselves in the same position." He said, "The first thing I would do is to ignore or not worry about people such as myself, people who have already reached this situation. If I were you I would visit towns like Brewarrina, Wilcannia and Bourke and see what is happening to our young people." I said, "Tell me what is happening to the young people." He said "Children as young as three and four are sniffing petrol. Their lives are already being programmed for absolute failure."

The message he gave me was clear: We, as a community, need to put most of our energy—in his opinion all of our energy—into providing opportunities for young people. The last time I was audacious enough to suggest that more might be done, the honourable member for Canterbury, who was the Director-General of the Department of Aboriginal Affairs, gave me a gentle serve and offered me a briefing. I do not need the briefing because I am well aware of the issues, but I appreciated her offer. However, as she is no longer the director-general she cannot offer me that briefing. I say to this House and to the community of New South Wales that this Government has not done enough in many areas. I am not saying it has not done some good. For example, circle sentencing has been quite good. However, I remind the House that that came about following submissions to the prison inquiry, which was established by the Coalition.

This Government has failed in a whole host of areas. It has failed miserably to support a program to encourage far more Aboriginal teachers and teaching assistants to enter the system. I joined in the celebrations last week when an Aboriginal teacher from Glen Innes High School graduated with the Department of

Education and Training. I read in this week's *Indigenous Times* that, in fact, five Aboriginal teachers graduated that day, and I congratulate them all. But it is still a very small number of people who are being targeted and trained. While I welcome the Minister's announcement today of six scholarships for year 11 and year 12 students, there are not many Aboriginal students in years 11 and 12 these days. Many drop out in primary school. A far more proactive program is needed to encourage students to go beyond primary school to high school and stay within the system. Children at the preschool level need more encouragement.

I know it is popular at the moment to criticise the Aboriginal and Torres Strait Islander Commission [ATSIC], but it has done some good work. A number of years ago ATSIC encouraged the development of preschools that teach Aboriginal culture as part of the integral social program offered through the school. When I visited one such preschool in Broken Hill I was impressed with the work of the teachers. I was even more impressed that when the students, both black and white, moved to the local primary school, they achieved excellent outcomes. That is the sort of model we need for young children. Self-esteem is the key to the progress of all individuals. One has to have a sense of self and of self-esteem. I was told that the program to get children into the preschool was in some difficulty because many of the parents lacked self-esteem and self-assuredness, and a knowledge of their position in the universe. So it is necessary to also provide support to the parents.

We have to start at the beginning with young children, but we also have to work with the parents, and get the system working right through primary school and high school. Without being negative, I remind the Minister that although he has told us that the Government is doing a great job, it was only last year that the former Minister for Education and Training was quoted in the *Sydney Morning Herald* as having said about the Carr Labor Government, "We weren't delivering to Aboriginal kids". He had withdrawn the review of the literacy program because he knew that the Government was not delivering for Aboriginal children. NAIDOC Week is a time for celebration. We should take every opportunity to review where we are going—where we are being positive and where we are failing. Together we should move forward and be constructive. The Government has an obligation to lead, and to use all necessary resources to ensure that Aboriginal people are given every opportunity.

Mr LYNCH (Liverpool) [7.45 p.m.]: I am delighted to contribute to this matter of public importance relating to NAIDOC Week. As I understand it, NAIDOC Week commences on 6 July, but granted that this is the last week of sittings it is appropriate to debate this matter now. The theme of NAIDOC Week is "Our Children, Our Future". This is a very important event, not just for the Aboriginal community but for all Australians who live in this country. An indication of its importance is the plethora of events to take place during NAIDOC Week. I want to mention some of the events that will take place in Liverpool, not just because I am interested in Liverpool, but also because it will demonstrate how widely supported NAIDOC events are. Last Friday, 22 June, St Therese Primary School celebrated NAIDOC Day. Unfortunately I could not attend the celebrations because Parliament was sitting. A newsletter was distributed, which stated:

> "*NAIDOC Week is the outcome of a long history of Aboriginal and Torres Strait Islander efforts to bring issues of concern to the attention of Governments and the general public.*
> *In 1924, the Australian Aborigines Progressive Association, (AAPA) was formed in Sydney under the leadership of Fred Maynard. The AAPA tried to raise awareness of the struggle of Aboriginal people but were forced to abandon their work in 1927 due to constant harassment by the police.*
> *In 1932 William Copper, from Cummeragunga, formed the Australian Aborigines League in Melbourne. In protest to the conditions under which Aboriginal people were forced to live, Copper drafted a petition to King George V. The Commonwealth Government informed him that this would be an unconstitutional act.*"
> The history of similar efforts continued through the 40s, 50s, 60s, 70s, 80s, 90s to today.
> "*In 1957, the National Aborigines' Day Observance Committee (NADOC), with the support and co-operation of the Federal and State Governments, the churches and major Aboriginal organisations was formed.*
> *In 1991, NADOC became known as NAIDOC to include Torres Strait Islanders. NAIDOC is now widely used to refer to all the events and celebrations that go on during National Aboriginal and Torres Strait Islander Week.*
> *NAIDOC celebrations give Australia's Indigenous people the opportunity to display the richness of our culture and heritage to the rest of the Australian community. It is encouraging to see that the wider Australian community is joining with us to celebrate this week.*
> *After all, we all have a lot to celebrate."*

Last Monday I attended the assembly at St Francis Xavier school, Lurnea, to celebrate NAIDOC Week. The assembly was supervised by Assistant Principal Mary-Louise Green. The Aboriginal flag was raised and its significance was explained to the children. It was explained that black represented the Aboriginal people, past, present and future; yellow represented yellow ochre and the sun, the giver of life; red represented the red earth, Aboriginal spiritual relationship to the land; and red ochre used in ceremonies. A number of other events will occur during the next few days. On 10 July at Liverpool, South-west Women's Housing will launch the NAIDOC Koori Art Project. On Friday 11 July a traditional march will be held in Liverpool from Augusto Cullen Park down to Macquarie Mall, where there will be a formal welcome to country by Fred Malone, of the

Gandangara Aboriginal Land Council. There will be a demonstration by the Gandangara Corroboree Dancers and the inevitable speeches by the local State member for Liverpool and the Deputy Mayor, Wendy Waller.

Also on that Friday will be an event—which was held last year as well—in conjunction with the march from Augusta Cullen Park to Macquarie Mall. The day of events at Liverpool railway station is organised by the State Rail Authority. There will be a number of information stalls and artefacts displays, and a number of speeches and various other activities. On 5 July the annual Aboriginal Art Exhibition will be opened by the MIL-PRA Aboriginal Education Consultative Group. This year the exhibition will be at the Liverpool Museum.

The theme this year of NAIDOC—"Our Children, Our Future"—is particularly poignant granted the history of the Stolen Generation. For Liverpool these are not abstract matters; these are very real matters. A significant number of victims of the Stolen Generation live in Liverpool. The best known, of course, is Nancy de Vries, who has addressed this Chamber and is a great character in Liverpool. Of course, Liverpool has its own history of invasion, dispossession and death. The peak of the Aboriginal guerrilla war in Liverpool was probably in about 1816-17. Despite all of that, and despite all of those histories, NAIDOC Day is a day not just to celebrate survival, but to celebrate a culture, to celebrate a particularly rich and important heritage, and to celebrate a future. It is in that context that the theme "Our Children, Our Future" is so very important and so very poignant.

Mrs HANCOCK (South Coast) [7.50 p.m.]: I am extremely pleased to speak on the matter of public importance relating to National Aboriginal and Islanders Day of Observance Committee [NAIDOC] Week, which will be celebrated throughout this country from Sunday 6 July through to Sunday 13 July. The concept of NAIDOC Week goes back to the 1920s, 1930s and 1940s, when great Aboriginal leaders such as Sam Maynard and William Cooper organised protests, rallies and meetings to highlight and focus on the plight of Aboriginal people at the time. They also called for Aboriginal representation in Parliament. It has taken a long time for that to occur, but it has occurred, thanks to the honourable member for Canterbury, Linda Burney. The first Day of Mourning was called for in the 1940s. At that time the Aboriginal people had a lot more to mourn.

The main focus at that time was on mourning the extremely destructive policies of what has come to be called the protection era. Of course, we all know about that. That was, I guess, a well-intentioned piece of legislation, but it was to have destructive effects that are felt even today. The protective policies of the early twentieth century resulted in the forced removal of half-caste children from their families, to be taken to places such as Kinchilla and Cootamundra training homes. Most of those children would never see their families again. The Stolen Generation story is a shameful time in our history, as were the following policies of assimilation and, to some extent, integration. But all of those shameful parts of our history have illustrated the resilience and strength of Aboriginal people. In fact, they have not only survived but they have succeeded in so many endeavours—in sport, in leadership, in politics, as parliamentarians, as doctors, as lawyers, as artists, as singers and as dancers. They have so much to celebrate, and so do we.

There is some disagreement about the pronunciation of the acronym "NAIDOC". It was previously referred to as NADOC Week. I think it was Pastor Doug Nicholls who, in 1991, inserted the letter "I" to include Torres Strait Islanders. I emphasise the "I" in my pronunciation to differentiate between NAIDOC and NADOC. Generally speaking, NAIDOC Week, as it is now, is an opportunity for all of us to celebrate the achievements of Aboriginal people—all of us, not just Aboriginal people. We come together to celebrate the achievements of Aboriginal people. It is a positive affirmation of Aboriginal culture and strength, and a way to promote greater understanding of Aboriginal and Torres Strait Islander people. In the past local indigenous elders have visited schools in my electorate to showcase the talents of our local Aboriginal communities. They have provided traditional cooking demonstrations, dance lessons, and art and craft workshops where all children, indigenous and non-indigenous, have joined together in a couple of days of fun—a change from their usual curriculum, and welcomed by everybody.

I wish all communities throughout Australia who will celebrate NAIDOC Week next week all the very best. I pay tribute to Aboriginal leaders, especially past leaders, whose courage and strength so many years ago have led to this celebration and positive affirmation of reconciliation. In closing, I point out that there remain many problems for the New South Wales Government to tackle, especially in the fields of literacy and numeracy, to which the Deputy Premier referred. Of course, retention rates in secondary schools are a serious problem, and education in tertiary institutions is of concern to all of us. The overrepresentation of young indigenous offenders in gaols and institutions is an issue that needs to be tackled by us all in a bipartisan approach and at all levels of government.

The honourable member for Liverpool spoke about the previous Minister for Education and Training, who admitted in February this year that the Government was not delivering for Aboriginal children. I am

pleased that the Minister made that admission, and I am pleased also that the Deputy Premier has come into the House and mentioned positive ways to address those problems. But as the Government has had eight years to address the problems, especially education for Aboriginal children, I expect that the Deputy Premier will be taking some very serious steps—perhaps more serious than those he has mentioned tonight—to improve the situation, rather than limp along, as the Government has for the past eight years, essentially doing very little to improve the lives of young Aboriginal people in our communities. [*Time expired.*]

Ms BURNEY (Canterbury) [7.55 p.m.]: The concept of the National Aboriginal and Islanders Day of Observance Committee and, in particular, NAIDOC Day, was born out of a lack of recognition, respect and the shocking circumstances that Aboriginal people were being forced to endure. There was a total lack of recognition given to the history, culture and needs of my people, including the lack of recognition of citizenship rights. The levels of racism and abuse will always be a dreadful blight on the scorecard of Australia's record of decency and fairness. The first NAIDOC Week grew out of the Day of Mourning, which was held for the first time on 26 January 1937. In 1957 the National Aborigines' Day Observance Committee [NADOC]—with the support and co-operation of the Federal and State governments, the churches and major Aboriginal organisations—was formed. In 1957 an Aboriginal pastor, Sir Douglas Nicholls, persuaded the National Missionary Council of Australia to nominate the second day in July to be the day of remembrance of Aboriginal people and heritage.

In 1991 NADOC became known as NAIDOC to include Torres Strait Islanders. NAIDOC is now used widely to refer to all the events and celebrations that go on during National Aboriginal and Torres Strait Islander Committee Week. NAIDOC has played an important role in providing a focus for schools. Long before we had the curriculum we have today, schools celebrated NAIDOC. That is very important in terms of a society having the capacity to own and tell the truth—a fundamental plank of reconciliation is having the capacity to own the truth. My own experience of school was like that. I was told that I was the closest example to Stone Age man, that my people had no culture and no heritage. It was one of the most devastating of my school experiences. NAIDOC today is not so much about protest but about sharing and celebrating. It is about remembering our heroes.

History is written by the conqueror, so that many great Australian heroes are only now finding their way into our collective narrative: people such as Sir Doug Nicholls, Bill Ferguson, Kath Walker, Faith Bandler, Jack Pattern, Pemilwuy, Tedbury, Windradyne, Evelyn Crawford, Isabelle Flick and Margaret Tucker—all great warriors in the struggle for recognition of the rights of indigenous people as citizens and of our cultural rights. How many people know that Aboriginal people went to every theatre of war and fought for Australia? NAIDOC reminds us of the wonderful gift Aboriginal history and culture brings to all of us as a nation. Today NAIDOC is celebrated by all. It is also a time for reflection—reflection on life choices and life's chances, which are still not equal in this country.

Aboriginal babies are twice as likely to have low birth weight, die or fail to thrive. Aboriginal people die 15 to 20 years younger than non-indigenous Australians, which is one of the most damning statistics I can think of. Even as an indigenous person I find it shocking that the life expectancy of an indigenous woman is at least 20 years less than that of a non-indigenous woman in this country. Aboriginal people have 23 times the average death rate from kidney infections, which is something very close to my family. We have a 12 to 17 times higher than average incidence of diabetes—one of the highest rates in the world and difficult to understand in a first world nation. Aboriginal people are three to five times more likely to die from chronic respiratory disease. It is completely unacceptable, and I know that is understood by everyone in this House.

Aboriginal people are 10 times more likely to suffer from blindness. We are twice as likely to be admitted to hospital, usually so ill that we need to stay longer than the average patient. We are admitted mainly for dialysis, pregnancy and childbirth complications, respiratory and digestive diseases, and injury. Aboriginal people suffer higher than average rates of mental disorders, alcohol and other drug-related conditions, circulatory diseases, nervous system disorders, skin diseases, and infectious and parasitic diseases. I welcome the cohesiveness of this debate on NAIDOC Week. I recognise the co-operation and involvement of the Opposition and the Independents. Let us focus on "Our Children, Our Future", which is this year's theme. It is a chance for all of us to do just that. [*Time expired.*]

Mr APLIN (Albury) [8.00 p.m.]: I contribute to the matter of public importance in relation to National Aboriginal and Islander Day of Observance Committee [NAIDOC] Week, to be celebrated in the second week of July. It is a celebration of the history of indigenous people in our country. The theme for this year is "Our Children, Our Future", which highlights the importance of ensuring that our children have basic human rights,

including good health, protection from harm, a decent education and an adequate standard of living. All governments should respect this basic and obvious theme. We can all play a role in helping to build a better world for our children. Part of that role is to teach children about their history and culture, to give them a sense of purpose, to provide good role models, to set moral examples and standards of behaviour, and to provide the opportunity to attain something worthwhile in life.

I congratulate my local communities in the Albury area on their work in raising community awareness about issues relating to indigenous people. Although NAIDOC Week may be a once-a-year program that celebrates Aboriginal cultural history, we recognise the history of our Wiradjuri people on many occasions. Only recently a most successful reconciliation forum was held in Albury with prominent guest speakers, followed by a bush tucker lunch. It is common that conferences, festivals, dedications of buildings and all manner of celebrations include a message from an elder of the Wiradjuri people. On many occasions I have introduced or shared the stage with Wiradjuri elder Pastor Cec Grant or heard the dreamtime stories of Eddie Kneebone. In Albury NAIDOC Week will be marked by a flag-raising ceremony on Monday 7 July, with a welcome to the country by Pastor Cec Grant. Albury is within the Wiradjuri country of New South Wales, and this is proclaimed on the city signs on the main approach roads.

The celebrations include community events at Mungabareena Aboriginal Corporation, the showcasing of activities at Koori Kindermanna preschool and a family fun day. Lavington Library will have a display of Aboriginal books and children's art from Albury schools, Banjora preschool and Koori Kindermanna. This year the indigenous community of Albury-Wodonga has a few more things to celebrate, and a more extensive program of activities reflects this. On Wednesday 9 July "Walkabout: Follow the Footsteps of Some Indigenous Workers" will highlight some positive employment outcomes for the community realised in the last 12 months. Highlighted will be the work undertaken by indigenous workers associated with the Burraja project on the causeway, operated by Parklands Albury Wodonga, where a tourist-educational installation is being developed to present a depiction of the lifestyles and activities of the earliest Australians along the Murray River.

The employment by Albury City of a number of indigenous trainees under the Federal Government's indigenous employment policy will be celebrated with two of the trainees in parks and gardens leading guided tours of the botanical gardens. Wandoo Aboriginal Corporation, the local Community Development Employment Program organisation, is the venue for a barbecue and tour on Tuesday 8 July. Wandoo was recently successful in applying for funding support for its native nursery enterprise under the Federal Government's Indigenous Small Business Fund. There will also be a tour of the Wonga Wetlands project. "Wonga" means cormorant in the Wiradjuri language. Approximately 130 different species of birds live in these restored wetlands. An Aboriginal cultural trail is being established at the site. There will be no shortage of activities in our part of New South Wales.

But what about facilities and programs? The Government has some way to go to address adequately many substantive aspects affecting indigenous children and their communities. We are waiting for a decision to appoint an Aboriginal community liaison officer to the police local area command. I raised this important matter at a Police Accountability Community Teams [PACT] meeting, and I have been advised that the application is in and funding is awaited. It is an important appointment, and one I hope the Government will deal with soon in the same way that an Aboriginal liaison officer has been appointed to the Department of Education and Training. His geographical area of responsibility is huge, but he does a great job. He is one of the key people who will surely play a long-term role in implementing this year's theme, "Our Children, Our Future".

What of preschool commitments? The Koori Kindermanna preschool is desperate to establish a full five-day operation in its own premises, but it needs funding to achieve this. Given that indigenous children and young people are grossly overrepresented in the care system by a factor of nine to one, it is vital that the Government plan and resource the areas that will make a difference, support the early provider programs and ensure that indigenous children gain the best start in life. I wish all those around the country celebrating NAIDOC Week the very best for their activities next week.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [8.05 p.m.]: "Our Children, Our Future" is a critical statement for all of us as we celebrate National Aboriginal and Islander Day of Observance Committee [NAIDOC] Week 2003. It is timely to reflect on the work we are doing to progress our goal of educational equity for Aboriginal students as we come to the end of term two of the school year. Basic skills test literacy results show that Aboriginal and Torres Strait Islander students average scores in years 3 and 5 have increased since 1996. The number of Aboriginal students in the lowest literacy level in year 3 has decreased substantially in that period from 42 per cent in 1996 to 28 per cent in 2002. In the lowest year 5 levels, the decrease has been from 26 per cent to 19 per cent. In numeracy, year 3 Aboriginal students average basic skills test scores have increased.

The number of Aboriginal students in the lowest numeracy level in year 3 has decreased from 29 per cent in 1996 to 24 per cent in 2002. In the last year 5 levels, the decrease has been from 23 per cent to 21 per cent. Aboriginal enrolments at TAFE have increased by nearly 10 per cent from 2001 to 2002. Aboriginal module completion rates at TAFE have also increased from 58.8 per cent in 2001 to 60.5 per cent in 2002. As the Minister for Education and Training indicated, within a decade we want educational outcomes for Aboriginal students to be comparable to those of all students. One of the challenges in meeting this goal is to ensure that an appropriate number of qualified Aboriginal teachers is successfully recruited and retained. Without doubt, Aboriginal teachers provide significant role models for all students, and an excellent opportunity for maintaining and imparting Aboriginal culture in schools.

All students in New South Wales are educated about Aboriginal Australia, and the achievements of Aboriginal students are promoted under the Aboriginal education policy released by this Government in 1996. The Government remains committed to improving opportunities for Aboriginal students to train as teachers, and for these graduates to be recruited into the education system. As at 30 Jun 2002 there were approximately 440 Aboriginal teaching staff in New South Wales Government schools and approximately 110 Aboriginal teachers in the New South Wales TAFE system. We support Aboriginal recruitment and training in a number of ways. For example, the Aboriginal and Torres Strait Islander Employment Program identifies up to 50 teacher positions a year for Aboriginal teachers. This program provides priority employment for Aboriginal teachers. We also help support Aboriginal staff through programs including the Aboriginal Mentor Program and the Aboriginal Teachers Career Pathway Program.

Other initiatives include an Aboriginal Teacher Visitation Program, with Aboriginal teachers currently assisting in promoting teaching at career fairs at universities and schools. The Aboriginal Teacher Visitation Program will promote teaching to Aboriginal secondary school students, with Aboriginal teachers visiting schools with high Aboriginal enrolments. Teachers will spend five days in a school to act as role models to Aboriginal students. They will encourage students to consider teaching as a career, advise students on teacher training pathways, and establish and support local-level mentoring relationships. The department is targeting a minimum of 25 pre-service teacher education scholarships for Aboriginal people in 2003. From 2004 at least 30 scholarships will be reserved for Aboriginal and Torres Strait Islanders.

A program is being developed in collaboration with Charles Sturt University and the University of New England to establish and support links between these universities and schools in rural areas with significant Aboriginal student enrolments. The program will support Aboriginal secondary school students in years 8 and 9 to visit a local university campus to familiarise them with university life and to encourage them to consider tertiary education—and teaching—as career options. Accelerated teacher training programs target people who have prior TAFE or industry training, industry skills and experience who are interested in teaching mathematics, science or subjects in the technological and applied studies area in schools. Aboriginal applicants receive priority. There is still a way to go, but this Government is committed, as are all honourable members of this House, to not only celebrating NAIDOC Week but to providing positive programs to deliver betterment for Aboriginal members of the community.

Mr CONSTANCE (Bega) [8.10 p.m.]: It is a great privilege for me to participate in this matter of public importance. This is an opportunity for all honourable members to reaffirm our commitment to the reconciliation process at a time when the Aboriginal community is celebrating its history and its cultural traditions. Reconciliation is an important concept. It seeks to bring people from vastly different communities, backgrounds and life experiences together in recognition of our common future and destiny. The push for reconciliation has been driven largely by Aboriginal people who have campaigned tirelessly to put the issues affecting indigenous communities on the political agenda and the community's agenda. National Aboriginal and Islanders Day of Observance Committee [NAIDOC] Week is a step in that process.

This year's NAIDOC theme, "Our Children, Our Future", recognises the importance of ensuring the future rights of Aboriginal children, including their rights to good health, education and employment opportunities. All governments should respect this basic and obvious theme. On the eve of NAIDOC Week I will outline a number of key activities that will occur in the Bega electorate in the hope that the broader community will participate. In the Bega electorate various communities and towns will hold celebrations. In the town of Bega there will be a flag raising ceremony on Monday 7 July. At that ceremony totem poles will be unveiled in the Bega Valley Shire Council's Reconciliation Garden. The poles have been decorated by local Aboriginal artists and will form an important addition to the small garden that was established last year to mark the signing of a historical memorandum of understanding between local government and the local Aboriginal community.

A presentation ceremony will recognise five participants in a local government Aboriginal traineeship program that concluded earlier this year. The trainees—Peter Boehme, Brandon Durante, Tait Farram, Erica Luff and Kathleen Clemson—are all employed full-time with the council in various areas, including the Eden Town Team, Sapphire Coast Tourism, the Bega library, and the council's department of environment, planning and development services. The trainees represent wonderful recognition of the contribution that Aborigines are making to local government. In the Bermagui area of the Bega Valley the Merrylands Local Aboriginal Lands Council has organised a sports day for families. There will be a ball in the community hall, boat rides on Wallagoot Lake in the *Umburra* boat and fishing trips. In Batemans Bay there will also be celebrations to recognise NAIDOC Week, beginning with a flag raising ceremony outside the Batemans Bay police station. It is also hoped that 1,000 people will take part in a harmony walk.

The Coalition is committed to reconciliation and over many years in New South Wales has adopted a bipartisan approach to Aboriginal issues. The honourable member for Canterbury recognised the great warriors who have contributed to the steps forward in relation to reconciliation. I pay tribute to the late Bill Wentworth, who passed away last week. He was the first Federal Minister for Aboriginal Affairs and he was the driving force behind the 1967 referendum. My point is that there are warriors of both indigenous and non-indigenous persuasions. Together we can be a powerful combination in advancing the causes of the Aboriginal community. In conclusion, as a person who edited and co-ordinated the compilation of the report of the Royal Commission of Inquiry into Aboriginal Deaths in Custody in 1996-97, I call on the State Government to continue the process of adopting as many of those recommendations as possible so that the numbers of Aboriginal suicides in our gaols can be reduced. [*Time expired.*]

Ms MOORE (Bligh) [8.15 p.m.]: I add my voice to the bipartisan support for the National Aboriginal and Islanders Day of Observance [NAIDOC] Week, which will be held from 6 to 13 July. Its theme is Our Children, Our Future. Indigenous children have the right to life, the right to good health, the right to protection, the right to education and the right to an adequate standard of living—and much more. Next week indigenous people will celebrate teaching children about their history, their culture and their proud heritage of struggle and achievement, and about being good role models and a moral example for children. Non-Aboriginal people will also need to be role models for tolerance, acceptance of cultural diversity, recognition of historic wrongs, and action to remove disadvantage and regain hope.

In January 1940 the first Day of Mourning was called Aboriginal Sunday. In 1957 the second Sunday in July became a day of remembrance of Aboriginal people and heritage. In 1957 the National Aborigines' Day Observance Committee was formed and in 1991 NADOC became known as NAIDOC to include Torres Strait Islanders. NAIDOC is now used widely to refer to all the events and celebrations during NAIDOC Week. I refer to the indigenous community in the Bligh electorate. The Gadigal people were decimated as a result of European settlement. In the 1940s a large Aboriginal population re-established itself in Redfern—people from many tribal groups and communities, and many of them squatted in disused slum houses.

In 1973 the Commonwealth Government granted funds for land to the Aboriginal Housing Company. Now Redfern is one of Australia's most significant Aboriginal communities—symbolic, historical and helping to revitalise the recent movement for Aboriginal rights. There are also indigenous communities in Woolloomooloo, and in neighbouring areas such as Waterloo and Glebe, with strong links to Redfern. Local celebrations will be held in Redfern during NAIDOC Week. There will be a flag raising ceremony on Monday 7 July in Eveleigh Street, The Block, a Kids Disco at the Settlement Neighbourhood Centre on Wednesday 9 July, and the Murawina Pre-school will have an open day on Thursday 10 July.

Ceremonies and celebrations are important but what the local community needs is long- overdue action, as other speakers in this debate have said. The shocking facts and figures that have been presented to us by the honourable member for Canterbury, the first indigenous representative in this House, is another reason for us to collectively hang our heads in shame about events of the past. In response to my pressure for a strategic response to the entrenched social problems of the Redfern community, in March 2002 the Government established the Redfern-Waterloo Partnership Project. The Redfern-Eveleigh-Darlington strategy aims to improve the public domain, transport, housing, open space, employment and safety. It includes redevelopment by the Aboriginal Housing Company of The Block in the Eveleigh Street area, which has become degraded and has been partly demolished.

However, the redevelopment of the Redfern area, particularly The Block, will be successful only if local elders and other indigenous people are part of the process. The revitalisation must include training and jobs for indigenous people, including programs based on sports, arts and culture, in which Aboriginal people have

shown great creativity and expertise. There must be responsive education which allows indigenous students to learn in ways that suit their history and culture. The closure of Redfern Public School last year, in the face of opposition by the Aboriginal communities in Redfern, was shocking. I call upon the State Government to retain that land as a public site, so the potential remains for a community school.

There must also be appropriate drug programs to help indigenous people deal with alcohol and drug abuse and to regain control of their lives. Appropriate housing is needed for large families with many visitors and for a mobile population. Indigenous youth needs help to stay out of gaol and to break the revolving door syndrome—the cycle of poverty, crime, violence and drug addiction that is common in Redfern and The Block area. Programs should be funded to help children live in a world where the mainstream is so different for them. All that action is needed for hope, and for the survival of the indigenous community. I hope that this Parliament will be able to say that is something we have achieved.

Mr R. W. TURNER (Orange) [8.20 p.m.]: It gives me great pleasure to add bipartisan support for NAIDOC Week. I hope the celebration helps people to gain a better understanding of some of the problems of our indigenous communities. In Orange NAIDOC Week is celebrated by a march down the main street, Summer Street. Many Aboriginal families participate in the march, as do many non-Aboriginal people, community service groups and anyone else who is interested. A flag- raising ceremony is held in Cowra, which has a large Aboriginal population. Whilst some advances have been made in the advancement of indigenous people, there is still a long way to go. Programs have been introduced to help Aboriginal people, but often the organisers have hit brick walls when they try to get the Aboriginal people involved in them. It is regrettable that the Orange Aboriginal Land Council and the Boree Aboriginal Land Council are now basically defunct because of bad management and lack of support by the Aboriginal people. I do not know whether they will ever recommence operations.

Aboriginal communities could seek help in the running of land councils. In Cowra the Erambie Estate, which is known locally as the mission and which I sometimes visit to assist Aboriginal families, continues to be a rather depressing place. We should get rid of that area altogether and relocate the families into mainstream Cowra. In Orange, Aboriginal families have been relocated into the mainstream community rather than into Department of Housing accommodation or an Aboriginal estate such as Erambie. Although there may be some initial apprehension when Aboriginal families move into an area, ultimately the vast majority of those families become good citizens and receive strong support from their neighbours.

It is pleasing that some Aboriginal people have set up businesses. I acknowledge Les Powell, who has set up a building business. Les employs a number of young Aboriginal and non-Aboriginal people in his home-building business; he also does maintenance contract work for the Department of Housing. He is doing well. An Aboriginal Liaison Officer who is stationed at Orange police station helps those who are unfortunate enough to come under the notice of either the Cowra or Orange police. Although a number of Aborigines work in government departments and private enterprise, I am concerned that young children are not getting the education that is necessary to equip them for later life. Others share my concern.

Education programs are in place but, unfortunately, the parents of young children do not sufficiently encourage the children to attend school on a reasonably frequent basis. The primary and high schools in Orange have special programs for Aboriginal and other disadvantaged young people who are not getting the education they need. Unless they get an education and develop a pride in themselves, it will be difficult to keep them out of trouble with the law. It will then become difficult to get them to lead a meaningful life. I certainly support NAIDOC Week and any programs that assist our Aboriginal communities through schools, TAFE colleges, universities or other facilities to build their esteem and pride.

Ms BEREJIKLIAN (Willoughby) [8.21 p.m.]: I speak about NAIDOC Week with enormous pride. As we all know, NAIDOC Week is the outcome of a long history of Aboriginal and Torres Strait Islander efforts to bring issues of concern to the attention of government and the general public. This year's theme is "Our children, our future". Any community within the mainstream knows that self-esteem is extremely important. Indigenous Australians have much to be proud of and much to offer society. Instilling that in them at a young age will essentially ensure that they have a bright future. NAIDOC Week is also important because of the enormous challenges that face indigenous communities and indigenous Australians, be it in health, education, or other matters.

It is also appropriate to focus on the positive contribution that indigenous Australians continue to make to the wider community. It goes without saying that 40,000 years of history has left an indelible mark on us. It is

incumbent on society to acknowledge at every opportunity how fortunate we are to have amongst us the longest continuous surviving people on any continent. To me that is a matter of immense pride that I will continue to espouse and promulgate at every opportunity. As the elected representative for Willoughby, one of the first duties I conducted with Willoughby council was to attend the Guringal Festival, which is held during Reconciliation Week. It was fantastic to witness at first-hand the culture of the people who had settled in my part of Sydney many centuries ago. As the member for Willoughby I will do all I can to support the many non-indigenous community groups in the Willoughby electorate that support reconciliation efforts and work with indigenous Australians.

I cannot stress enough the importance of education in instilling self-esteem in young people and pride in their culture. I urge governments of all persuasions to ensure that education initiatives for indigenous Australians are given a primary focus. When indigenous people have self-esteem and they are proud of their culture it gives them, a minority community, the extra strength that they need to face challenges in the broader community. In that vein I encourage an extension of the scholarships that were announced recently relating to school students. Education is the appropriate way of assisting members of our indigenous community to overcome the challenges with which they are faced. I reaffirm my support for NAIDOC Week. Indigenous communities in New South Wales must have an immense sense of pride now that the honourable member for Canterbury is a member of this House, and I acknowledge her presence in the Chamber.

As the first member of Parliament with an Armenian background, I know what my becoming a member of this House meant to my community, so I can only imagine what the honourable member for Canterbury becoming a member of the House means to her community. NAIDOC Week gives children in indigenous communities an opportunity to learn from the many important role models they have in society. I reiterate my support for NAIDOC Week and for the community organisations in the Willoughby electorate that will be providing activities for indigenous Australians. I will commit myself, where possible, to supporting indigenous communities not only in the Willoughby electorate but throughout New South Wales.

Mr TORBAY (Northern Tablelands) [8.26 p.m.]: Like all other speakers in debate tonight, I support what has been said in relation to the matter of public importance raised by the Minister for Aboriginal Affairs relating to NAIDOC Week. From a State perspective the Northern Tablelands electorate has a high proportion of indigenous Australians. During my time as the local member and as a former mayor of the city of Armidale, I have been proud of their achievements. I thank those many community organisations and councils that put together such a wonderful program for NAIDOC Week. The University of New England proudly boasts that it organises a number of activities during NAIDOC Week. Those activities have been held for many years and I am pleased that they are continuing.

NAIDOC Week, which is as significant in my electorate as it is in the electorates of other honourable members, is an opportunity to reflect on the challenges to the provision of many basic services for Aboriginal people. As the local member, I have visited almost every Aboriginal community and organisation in my electorate. I still hear daily about the lack of basic services such as sewerage services. I recently visited a school at Tingha. Fifty-three per cent of the children who attend that school are indigenous students. Those students, who put on a fantastic show for me and for the delegation that visited the school with me, spoke to me about accessing basic services such as sewerage services. I do not want to be negative, but all honourable members should not forget the challenges that confront us. We must ensure that Aboriginal people have access to good education, jobs and basic services.

I pay tribute to the late Pat Dixon, the former deputy mayor of Armidale. Pat was deputy mayor when I was mayor of Armidale. Pat and I attended a number of functions and she taught me a great deal about Aboriginal culture. She also introduced me to many community organisations with whom I am pleased to be able to continue to work today. I will remember until my dying day when the late Pat Dixon and I, as mayor and deputy mayor, raised the Aboriginal flag in Armidale. Armidale was the third council in New South Wales to do so. That flag still flies proudly at the Armidale-Dumaresq Council chambers. I fondly remember that occasion and still have a photograph of it in my electorate office.

Aboriginal community organisations in Northern Tablelands are attempting to work together more closely. I had an opportunity to attend a meeting at Inverell Shire Council when 11 Aboriginal organisations came together for what I considered to be an historic signing of an agreement. I pay tribute to Tom Briggs in the Northern Tablelands electorate for his work in that regard. I watched those Aboriginal organisations sign a co-operation agreement. I was so motivated by that meeting that I have attempted to assist Tom Briggs to do the same thing in Armidale with 25 Aboriginal community organisations. I organised a meeting that was attended

by almost all those organisations that are now close to signing an historic agreement in Armidale. A great deal of work has to be done. NAIDOC Week is a tremendous opportunity to reflect on just what has to be done. It gives me a great deal of pleasure to support the contributions of the Deputy Premier and other honourable members to this debate.

Mr DRAPER (Tamworth) [8.31 p.m.]: I thank the House for giving me an opportunity to speak in the debate on a topic that is important to me, to the electorate of Tamworth and to the whole State. I listened closely to the contributions of other honourable members to the debate on NAIDOC Week celebrations. The electorate of Tamworth is celebrating the contribution of indigenous Australians to our culture and our history. Having spent five formative years of my life on what was known as the Walhallow Aboriginal Reserve, I am privileged to be able to contribute to the debate on this matter of public importance. Next Monday morning I will be speaking at a flag-raising ceremony hosted by Tamworth City Council on the main street of Tamworth. Council has long been a major supporter of indigenous communities in my electorate. That flag-raising ceremony, which will be attended by members of the Aboriginal community, signals the beginning of NAIDOC Week celebrations in the electorate.

For just over two weeks Tamworth City Council will host an art exhibition of 60 photographs taken by award-winning photographer Penny Tweedle. Those photos of well-known and everyday indigenous Australians provide an insight into what they regard as the achievements, hopes, fears and aspirations of indigenous Australians in the past and in the future. The highlight of NAIDOC Week in Tamworth is a street march that is organised every year by Winangaali, an Aboriginal group that advises Tamworth City Council on indigenous issues. That march, which celebrates indigenous culture and history, is always well-attended by the indigenous community and other onlookers. That is proof that our indigenous communities are proud of where they have come from. It also highlights the partnerships that are being forged with the community as they look ahead.

The street march will lead to a family fun day organised by a subcommittee of Winangaali and funded by the Aboriginal and Torres Strait Islander Commission. The day is free to the community of Tamworth and its surrounds, with entertainment for the kids and a free barbecue lunch. It is a great Aussie way to celebrate the history of indigenous communities and their contribution to our electorate. It not just during NAIDOC Week that we in the Tamworth electorate celebrate the invaluable contribution of our indigenous community. In the three months since the State election I have worked closely with Coledale Community Centre, which was established near the centre of Tamworth's Aboriginal community. Recently I had the pleasure of hosting a visit to that centre by Her Excellency the Governor, Marie Bashir. The Governor remarked on the incredible pride that the Coledale indigenous community had in its culture and history.

During her visit Her Excellency took time to talk with the Aboriginal community, from the elders of the community to their grandchildren. She saw for herself the lengths to which the community had gone to build relationships with the broader Tamworth community. The Governor expressed a keen desire to return to Tamworth and to meet again with members of the indigenous community at Coledale Community Centre. Anybody who visits our community centre will witness what the Governor saw during her visit of just over an hour.

The community centre staff host regular events for the Aboriginal community and provide extensive support on health and cultural issues. I have been involved in some enlightening evening meetings at the community centre that have identified opportunities to bring Coledale closer to both the business and the education sectors in Tamworth. Coledale employs an Aboriginal community development worker, Mrs Trish Kearton, who works closely with the community. She plays a crucial role in developing the relationships that are so important for the ongoing wellbeing of our indigenous people.

Tamworth has long recognised the importance of developing a strong, close relationship with our indigenous people, but it is by no means alone in this aim. The second-largest centre in my electorate, Gunnedah, will also hold NAIDOC Week celebrations, as will many smaller communities and schools. I encourage all residents in my electorate to get involved with these celebrations. There is a rich and important indigenous history across our State that we cannot ignore. Only by recognising it can we move forward and develop stronger relationships with this important sector of our community. I wish all indigenous people a happy and successful NAIDOC Week. Another aspect of the celebrations in Tamworth is the involvement of our local police and community youth club [PCYC] in the theme "Our Children, Our Future." I applaud the work of the PCYC with our indigenous youth. It has introduced some positive programs that are giving people self-esteem and identity. I am delighted to have been able to contribute to the discussion on this matter of public importance.

Discussion concluded.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion by Mr Scully agreed to:

That standing and sessional orders be suspended to allow the passage through all their remaining stages at this sitting of the following bills:

Commission for Children and Young People Amendment (Child Death Review Team) Bill
Police Powers (Drug Detection in Border Areas Trial) Bill
Workers Compensation Legislation Amendment Bill

COMMISSION FOR CHILDREN AND YOUNG PEOPLE AMENDMENT (CHILD DEATH REVIEW TEAM) BILL

Second Reading

Mr HICKEY (Cessnock—Minister for Mineral Resources), on behalf of Dr Refshauge [8.42 p.m.]: I move:

That this bill be now read a second time.

The bill was introduced in the other place on 25 June 2003 and the second reading speech appears on page 42 of the *Hansard* proof for that day. The bill is in the same form as introduced in the other place and I commend it to the House.

Mr HAZZARD (Wakehurst) [8.42 p.m.]: I lead for the Opposition on the Commission for Children and Young People Amendment (Child Death Review Team) Bill. The history of the Child Death Review Team is interesting, as is much of the legislation and the approaches taken to the investigation of, and responses to, child abuse in New South Wales in recent years. The Child Death Review Team has existed since 1987, when it was established by part 7A of the Children (Care and Protection) Act. It has had some changes along the way. It was co-located with the Child Protection Council until about 1999 when the passage of further legislation put it under the auspices of the Commission for Children and Young People.

Most honourable members will be aware that I was shadow Minister for Community Services for almost three years. During that time I expressed a great deal of criticism and concern about the way in which the Government failed to address properly child abuse and child neglect in New South Wales. I could happily speak on this topic for at least the next two or three hours but I am sure that my colleagues would not be too keen on that. The Minister for Mineral Resources would certainly not be too happy about it, and I do not blame him. However, I am suspicious of any changes that the Government makes with regard to child abuse and the processes surrounding its investigation, not because I believe the Government lacks bona fides in wanting to address this problem but because it simply does not know how to do that. Therefore, it is far more interested in plugging the dyke and spreading some gloss over the surface, which was a major pastime during the regime of the former Minister for Community Services, the Hon. Faye Lo' Po, and the then Director-General of the Department of Community Services [DOCS], Carmel Niland. Without wishing to reflect upon them personally, they made glossing what was happening with regard to child abuse in this State an art form.

According to both the former Minister and the former director-general there were no problems in the Department of Community Services—everything was working wonderfully well. However, the Opposition and the Australian Democrats joined forces in the upper House to establish a parliamentary inquiry into the Department of Community Services. The Opposition—I also played a role—ensured that the issue had a high public profile during the last few years of the previous Parliament. I keep hearing the words of the former Minister for Community Services, who said that there were about 19 watchdogs oversighting the Department of Community Services and that she would ensure the situation improved. However, her "improvements" were improvements only from the Government's perspective. It is not, and has not been, on the Government's agenda to improve the general approach to child protection in New South Wales. The Government would like to do that but it simply does not know how.

Mr Corrigan: It does. That's what we are doing.

Mr HAZZARD: The new boy on the block says that the Government knows all about it. When he has spent two or three years in this place, sat with families who have lost children and visited Aboriginal

communities located only a kilometre from Parliament and heard how the Department of Community Services has let them down day after day he will not sit in this place with the glossiness of a new member of Parliament and stick up for his Government, which is hopeless at doing what is necessary to protect children in New South Wales.

I approach this legislation with suspicion. I remind the House that it is part of the agenda that the Government put before Parliament last year in line with its stated purpose of reducing the number of watchdogs. I cannot work out why the Government would want to reduce the number of watchdogs unless it does not want to be watched. That is a key priority for the Government. I remind honourable members of the debacle of the Community Services Commission, which was created by the Coalition Government in 1993. It was designed as a place for advocacy where specialists could provide proper assistance and support to people who thought they had been let down, or who had been let down, by the child protection system. Both Roger West and Robert Fitzgerald were excellent commissioners. However, approximately 2½ years ago the present Government sought the Crown Solicitor's advice regarding allegations that the Community Services Commission had been acting ultra vires, or acting beyond its powers, in pursuing certain investigative roles.

We tend to forget that a series of reports, which no doubt the honourable member for Camden might like to read, had been highly critical of the Government and the Department of Community Services. The only purpose of the Community Services Commission was to improve the child protection system in New South Wales. It highlighted a series of failures on the part of DOCS and other agencies that worked with it. The public announcement of the receipt of the Crown Solicitor's advice prompted an outcry from the Association of Children's Welfare Agencies, the Council of Social Service of New South Wales, the Opposition and numerous other organisations in the community, who declared the Government's position unacceptable. That certainly indicated mala fides rather than bona fides in relation to the Government's role in child protection. It effectively contained the Children's Services Commission for the next 18 months. In fact, it almost destroyed it.

The legislation was introduced by the Opposition in the upper House and passed almost unanimously, save for the Australian Labor Party, which would have re-implemented the powers of the Community Services Commission. When it was sent to this House it stopped. In fact, the legislation just sat here until the Parliament adjourned and an election was held, and it has now lapsed. If that shows the good intentions of this Government, I fail to see it. When the Community Services Commission was absorbed into the Office of the Ombudsman it presented major challenges for the whole culture of the commission in regard to its advocacy role. I will not bore honourable members with all the details; they can read it in *Hansard.* I have recounted on a number of occasions correspondence from the Ombudsman's office in relation to reviews in regard to child protection matters. Prior to the legislation being passed in this House last year it had a limited role, in regard to government employees who might be involved in child abuse.

Without any reflection on Mr Barbour, the culture within the Ombudsman's office is not one of advocacy but of very strict black letter law review. I wait with great interest to see whether the Community Services Commission will blossom out of the new cloistered environment of the Office of the Ombudsman. I do not think it will. I have not heard a peep from that section of the Ombudsman's office since it effectively merged three or four months ago. There seems to be no urgency, no sense that the problem still exists. We have a new Minister and director-general and somehow the problems are supposed to be solved. They are not solved. Front-line officers of the Department of Community Services [DOCS] are frustrated because they are still stretched beyond belief and cannot get their job done. They can only intervene in level one child abuse reports. Level two and three reports do not get a response at all.

With the absorption of the Community Services Commission into the Ombudsman's office came an interesting collateral action by People With Disabilities [PWD]. Only two or three months ago the Administrative Decisions Tribunal handed down a decision that it considered that the Crown Solicitor's advice that predicated the absorption of the Community Services Commission into the Ombudsman's offie was ultra vires: it was wrong. But by that stage it was too late because Robert Fitzgerald and what was left of his team were already in the Ombudsman's office. As the Opposition in the upper House indicated, we do not oppose this legislation. But we should not just accept these things, because the history of this Government does not lead us to accept that what it is doing in relation to child protection is bona fide.

I therefore have serious concerns about whether the absorption of the Child Death Review Team into the Ombudsman's office in regard to children who died of abuse or neglect is a worthwhile pursuit or whether it is just one more effort by the Government to minimise scrutiny. I suspect that that is what we are really talking about in regard to this legislation. Sadly, I suspect that there is not a lot of sense in passing this legislation, but it is one more step that this Government wants to take. The Hon. Carmel Tebbutt said, in the Legislative Council:

> The bill ensures that the team [Child Death Review Team] will not duplicate the work of the Ombudsman by prohibiting the team from undertaking detailed reviews of deaths that are "reviewable" under part 6 of the Community Services (Complaints, Reviews and Monitoring) Act 1993 unless the reviewable death is incidental to the research sample or population.

I read into that statement that another review will not be possible. If the Ombudsman's office does not get it right, as a result of this legislation and the package of changes in the past six months, investigation of child deaths will be limited. Individuals who lose their children, nieces or nephews, and those who want their children protected but DOCS does not effectively protect them, will have no avenue to go down to obtain assistance. The Child Death Review Team was not, and is not, an advocacy organisation, but at least it had a history of doing some good work. I do not say that the Child Death Review Team was always good. In fact, I criticised it for complying with the Minister's directions. In 1999 the reference to children who had died and were known to DOCS disappeared from the report. There was a great deal of public outcry and, because this Government cannot stand public scrutiny—it is the only thing it responds to—the report that was issued the following year showed the number of children that were known to DOCS in the relevant review period.

Why should we trust this Government on any initiative that removes scrutiny? It seems to be a hallmark of the Carr Government that scrutiny by anybody who has a capacity to know what is going on should be shoved out the door. The Inspector-General of Corrective Services, the only person whose role was to conduct a review on a daily basis, and someone to whom the prisoners could go, has been removed. At a number of meetings I attend I am told about the huge level of concern about DOCS. I hear that children are still dying at the same rate. I hear that Aboriginal children are dying in alarming numbers. I hear that people in Aboriginal communities do not think that the service that is available from DOCS to assist with children who are at the risk of abuse is appropriate. I hear all sorts of strong, colourful, emotive and passionate language about the failings of the Department of Community Services.

What I hear is not much different from what was exposed last year on the *60 Minutes* program or on the *Four Corners* program that was the subject of the Walkley award for its report on DOCS. I hear that the same culture still exists within DOCS. I also hear that reports at the lower levels are still being tampered with so that the Ombudsman and others cannot find out what is going on. I hear that the Government is not honest when it says it is creating 130 new positions, and that only about half of those positions have been filled. In fact, they have been filled by temporary staff who are already doing the job and have been rebadged as permanent workers within DOCS. A few extra places have been filled, but not many. I hear that the Department of Community Services is so desperate that in the western part of State positions have been reserved for Canadians to work as child protection officers.

The Government has told the community it is filling these positions. In the lead-up to the election it gave the Coalition a serve. It said that we would cut positions. We did not say we would do that; we said we would have a royal commission because we believed the problems in DOCS were systemically and fundamentally wrong. I had very little faith in the outcome of the upper House inquiry, which was chaired by the Hon. Jan Burnswoods, who ensured that some witnesses were not able to give to evidence, and certain witnesses were cut off at appropriate times. The report of the inquiry was better than no report, but it was not a royal commission.

Where do we stand now? Children are still dying. Level 1 reports of child abuse are being investigated most of the time. Level 2 and level 3 reports, the potential calamities of tomorrow, are not being investigated. Will this bill make a difference? The review says it will. The review was undertaken by Gillian Calvert. I do not reflect personally on Gillian Calvert when I say I have some difficulty understanding an arrangement under which a chair of the Child Death Review Team is the same person who heads the commission that auspices the team. Even though Gillian Calvert was a joint chair with Dr John Yu, I find that arrangement strange.

As I do not wish to reflect personally on Gillian Calvert, who is doing as good a job as she can in the circumstances, I would say that the review should have been undertaken by a totally independent panel, which could take whatever public evidence it chose and provide adequate opportunities for the public to make submissions to the panel. The web site says that the team went out and spoke to about 30 selected groups or people. So the team has made its decision based on its meetings with about 30 different meetings, groups or individuals that it talked to. With the greatest of respect, that adds to my suspicion about this legislation and its intention. I hope, for the sake of the children of New South Wales, that this legislation will turn out to be less detrimental than it might appear to be.

The Ombudsman's office has a mighty role in the implementation of this legislation, and it had best make sure it gets it right. I do not have a great deal of faith in the review process in New South Wales. I do not

have a great deal of faith in the Coroner's office. Recently, the Coroner took a swipe at me in relation to concerns I ventilated about the death of Tahlia Brockmann and the fact that I referred that matter to his office. The Coroner wants to rethink the way he operates in relation to child deaths. He wants to reflect on the fact that political figures of both political persuasions have an obligation, when constituents approach them, to raise issues publicly and to push for appropriate reviews, especially when families are disturbed about what has gone on. The Coroner should refrain from making political comment in his judgments; he should stick to the law.

If the Ombudsman's office is responsible for a component of the Child Death Review Team that looks into cases of children who die from abuse and neglect, and the Coroner shows a distinct disinterest in getting involved in these sorts of hearings—especially when such matters will become an increasing part of the role of the Coroner's office as a result of last year's review of legislation—then I am concerned. Unless we have a strong Ombudsman's office that is prepared to develop a culture of advocacy similar to that within the Community Services Commission and to let Robert Fitzgerald and his team off the hook, push him out of his office and let the community hear in the next few months some of the concerns he might well have, I will be concerned that this legislation is part of an overall attempt to silence those who would carry the message to the public and to the Government that the child protection system in New South Wales remains a substantial problem. That means that children in New South Wales are not getting the protection that the community and members of Parliament, as individuals rather than members of political organisations, certainly want. If we allow the present system and the cover-up to continue, we will all be implicated in the system that will fail children, at least in the foreseeable future.

Mrs PERRY (Auburn) [9.03 p.m.]: The Commission for Children and Young People Amendment (Child Death Review Team) Bill arises from a review of legislation undertaken by Dr John Yu and the Commission for Children and Young People. The report of that review was examined by the Committee for Children and Young People. My predecessor as chair of the committee is present in the Chamber. That is David Campbell, now the Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business, who tabled the committee's report on 21 November last year, supporting the implementation of the review's recommendations.

By way of a brief history, might I indicate that in 1990 a report by the New South Wales Physical Abuse and Neglect of Children Committee identified the lack of a central review mechanism in situations where a child suffers serious physical injury or dies. In 1993 a Child Deaths Review Committee of the New South Wales Child Protection Council was established to review a sample of deaths of children up to 14 years of age occurring in New South Wales between 1989 and 1991, identified or suspected as being due to abuse or neglect. It recommended that the New South Wales Government establish a Child Death Review Committee with the aim of learning from the facts about the deaths of children and using those findings to educate workers and to inform policy and procedure across all areas of work to prevent future child deaths.

In 1995 the Government implemented this recommendation by passing, with bipartisan support, legislation establishing the team, a first for Australia and the first team of its kind outside the United States of America. That legislation was the Children (Care and Protection) Amendment Act 1995. The 1993 committee was chaired by Dr Ferry Grunseit, a paediatrician and chair of the Child Protection Council. Dr Grunseit was appointed as an inaugural member of the Child Death Review Team and remains a member to this day. I pay special tribute to Dr Grunseit's enormous contribution to the work of the team, and to child protection generally, over the past two decades. New South Wales is indeed fortunate to have him advocating for children in this State.

For its first 3½ years the team was co-located with the New South Wales Child Protection Council, with its work supported by the New South Wales Department of Community Services. The team was funded from the budgets of various government agencies represented on the team. With the establishment of the New South Wales Commission for Children and Young People in June 1999, its commissioner, Gillian Calvert, became the team's convener. I take the opportunity in this House to place on record the exceptional work that both the commission and its leader, Gillian Calvert, have undertaken since the inception of that commission. This State is indeed lucky to have someone with the knowledge, skills and background of Gillian Calvert representing children's interests and needs. The commission provides research, policy, secretariat and administrative support to the team and conducts community education in relation to the team's work.

Bearing in mind all of that history, it important to say that we do need a Child Death Review Team. I say that for the following reasons. The team makes a positive contribution to reducing the deaths of children and young people in New South Wales. Individuals and organisations consulted as part of the review to which I referred expressed support for the team and appreciation of its work. As the report of the review states:

> The Team's work was considered valuable for identifying areas of concern for policy makers and the community, some which would not have been recognised otherwise (eg deaths of toddlers in driveways). The depth and across-section of expertise on the Team was also praised.

That seems to be in stark contrast with some comments that I understood my colleague the honourable member for Wakehurst to make. A further need for the team is that it has unique access to information as well as the expertise to undertake high-quality research that can help prevent deaths of children. The further reason that we need a Child Death Review Team is the examples that such research can provide, including examining a factor associated with a child's death—for example, playground equipment—or an event that occurred in a residence. Those are the reasons for the establishment of a Child Death Review Team and why its work is important. Victoria is the only other Australian State with a Child Deaths Review Committee. The Victorian committee is an independent ministerial advisory body that provides an independent review of all deaths of child protection service clients and advises the Minister of implications from its findings. It also considers case analysis review reports of a particular death or group of deaths conducted with a view to systemic change.

The recent Layton report in South Australia entitled "Our Best Investment: a State Plan to Protect and Advance the Interests of Children" recommended the establishment of such a committee in that State. The report noted that New South Wales has the most comprehensive child death review legislation in Australia—again in stark contrast to some of the comments made by the honourable member for Wakehurst. The Australian Capital Territory and Western Australian governments are currently investigating the possibility of establishing child death review systems. It is important to note that there is no systematic and independent review of child deaths in any of the other jurisdictions. New South Wales is leading the way.

What is the value of the Child Death Review Team? The team, with its broad role of monitoring trends in deaths and undertaking research to prevent child deaths, can provide the community with quality research that is not undertaken by other bodies. The team can adopt a population-based focus and improve the safety and wellbeing of all children in New South Wales. It is worth remembering that the deaths of toddlers in driveways became a public issue primarily because of the work of the team. The team can also undertake a full examination of children's lives and the reasons they died, not just in relation to services that exist for them and their families but in all aspects of the child's environment.

The team has the ability to identify risk factors that are of extreme concern, and suggest ways that government, services, families and communities can help to prevent deaths. Because of the team's wide brief and unique access to information it can undertake a range of valuable research including studying the incidence of death and factors affecting the rate of death in a certain population of children; examining a certain factor associated with child death, like allergic reactions; looking at economic status and its relationship with certain types of child death; and studying the impact of geographical location on death rates. One example is the result of work done by the team.

As this House would know, a report on suicide and risk-taking behaviour was tabled in January. The findings of the report are now being used to form the redevelopment of the New South Wales suicide prevention strategy "We Can All Make A Difference". I cannot think of much more important work. The report identified for the first time a link between HSC-related stress and suicide. I am very pleased to note that the Department of Education and Training is considering this finding and its implications for supporting HSC students, and reducing their stress levels whenever possible.

The report also showed that deaths from suicide and risk-taking behaviour are intimately related, and that our approaches to prevention should probably see these as part of a single continuum, rather than as separate phenomena. We would not have these important findings without the Child Death Review Team. They arise from just one of the team's reports. New South Wales is leading Australia in this area, as acknowledged by the Layton report to which I referred earlier. As Chair of the Committee for Children and Young People I look forward to working with the Commissioner of Children and Young People, Jillian Calvert, who is here tonight, the team and my colleagues who are on the committee in fulfilling the important task set by the bill.

Ms D'AMORE (Drummoyne) [9.13 p.m.]: I support the bill. The Child Death Review Team, from its establishment in 1996, had three distinct functions: maintaining the register of all child deaths in New South Wales and using it to identify trends, undertaking research into deaths from any cause aimed at preventing or reducing deaths, and undertaking detailed reviews of deaths arising from abuse or neglect, or in suspicious or undetermined circumstances. With the passage of the Community Services Legislation Amendment Act 2002 the Ombudsman assumed responsibility for one of these functions, namely, detailed reviews of deaths due to abuse, neglect or in suspicious circumstances. The Ombudsman already has a similar role relating to people with disabilities who died in residential facilities.

The bill ensures that the team will not duplicate the work of the Ombudsman by prohibiting the team from undertaking detailed reviews of deaths that are reviewable under part 6 of the Community Services (Complaints, Reviews and Monitoring) Act 1993 unless the reviewable death is incidental to the research sample or population. For example, the team is required to analyse data from the register of all child deaths and, therefore, may identify trends and patterns of deaths of children from motor vehicle accidents. Some of these children may be in the care of the Department of Community Services and, thus, are reviewable deaths. The fact that they are reviewable deaths is incidental to the team's purpose in researching those deaths. To exclude them would distort the analysis of motor vehicle accidents.

In these circumstances the bill permits the team to include in its research reviewable deaths from motor vehicle accidents. The bill also allows the team to conduct research about reviewable deaths when the Minister has approved the research, after seeking and considering the advice of the Ombudsman. With the Ombudsman's support, the bill makes some further minor changes to the Ombudsman's reporting time frames about reviewable deaths by amending the Community Services (Complaints, Reviews and Monitoring) Act 1993. New South Wales now has the best of both worlds: the Ombudsman, with his considerable powers, oversighting the deaths of very vulnerable children and the Child Death Review Team researching all deaths of children to help us form a clearer picture of those deaths so that we may prevent them in the future. We should be proud of what we are achieving in New South Wales for children and young people. I commend the bill to the House.

Ms JUDGE (Strathfield) [9.16 p.m.]: Previous speakers in the debate have mentioned the excellent work done by the Child Death Review Team. I am pleased to speak in favour of the bill, which will implement recommendations from the report of the review of legislation governing the New South Wales Child Death Review Team, and work towards reducing child deaths. In an ideal world children would not die by suspicious circumstances or as a result of neglect or, for that matter, at all. Every child is precious. Every child is irreplaceable. I have three daughters, and I cannot for one moment conceive what it would be like for my family if one of my daughters died from natural causes, let alone from something that was not a natural cause.

However, the sad reality and the tragedy is that in our less-than-perfect world the Child Death Review Team works to reduce or to prevent child deaths. The team has undertaken its work by reviewing the records held by State government agencies, such as the Coroner's Office, the police, the Department of Community Services, courts, area health services, the Department of Education and Training, the Registry of Births, Deaths and Marriages and the Department of Juvenile Justice. Although the team has been able to do valuable work, the fact that its access has been limited to records of government agencies means that it has not been able to access information that would have made its research even better.

For example, the team has been able to review school records of students in public schools, but not those of students in private schools. It has looked at records of children who have been patients in public hospitals or who have been seen by an adolescent counsellor employed by an area health service, but not the records of those who have seen a psychiatrist privately. Clearly, this restriction could prevent the team from being able to establish a clear picture and get the full story from a particular cause and, therefore, has the potential to skew the research results.

This problem was identified in the report of the review of the legislation governing the Child Death Review Team. This bill fixes this shortcoming and extends the team's access to records in relation to child deaths to private health agencies and practitioners, non-government schools, and people or agencies that provide services such as family support, child care and education, residential out-of-home care, disability services or foster care. The professionals, practitioners and non-government representatives who were consulted during the review supported this, and the Privacy Commission raised no objection. The people who were consulted said that there is a strong public interest in obtaining a more complete and accurate picture of why children die, which justified the extension of the team's access to non-government records.

We need to do everything we can to ensure that children are protected 24 hours a day—every second of every minute of every hour. We also need to ensure that when death occurs, as sadly and tragically it occasionally does, the Child Death Review Team has adequate powers to properly investigate. We do not want the team to be a toothless tiger. This bill is not about placing added administrative burdens on non-government organisations to maintain any particular records. They can continue keeping exactly the same records they keep now. The only requirement is that, if the organisation possesses any records about a child and the team requests a copy, that organisation will be obliged to provide a copy.

As requests will be limited to records of children who have died and who are the subject of a particular research project, this type of request would be made rarely to any one organisation. The bill does not create an

offence of failure to comply with such a request, but the team's convener has the capacity to draw Parliament's attention to failures by agencies to comply. In matters dealing with the death of a child, it is of course of critical importance that privacy is maintained and that personal details about the deceased child and his or her family are not made public. As has been observed by other honourable members in their contributions to this debate, the Child Death Review Team has operated since 1996 in accordance with legislation that includes rigorous privacy rules and that restricts access to the information. This bill maintains that regime when information gathered by the team is subject to stringent confidentiality safeguards and will not be able to be revealed to a court or released under the Freedom of Information Act 1989.

The bill extends these provisions to individuals engaged by the convener to take part in research projects and to members of joint research projects. However, the bill also sets out the circumstances in which this confidentiality provision does not apply, such as using the information for research that is aimed to help prevent or reduce the deaths of children in New South Wales. Because of the team's unique access to a wide range of information, the team might form a view about the circumstances of a child's death that other organisations, without all the information and pieces of the puzzle, may not have formed. For that reason, the bill allows the team's convener to report possible criminal matters to the police, to report that a child may be at risk of harm to the Department of Community Services and to report information to the State Coroner and Ombudsman that supports their functions. Only the team's convener will have that power. He or she must report annually to Parliament, if the power has been used.

This is an important bill because it builds our knowledge about the deaths of children and, in turn, that information and knowledge helps us to prevent deaths from occurring in the future. I am proud of the New South Wales State Government because this is the second time today I have had the privilege and pleasure of speaking in the House on legislation that focuses on looking after and protecting our young people, our youth, our future. I commend the bill to the House.

Ms BURNEY (Canterbury) [9.23 p.m.]: The safety and wellbeing of children is probably one of the greatest responsibilities that is incumbent upon us as individuals, families, societies and a government. Throughout both my professional and personal experiences, I have come into contact with children and their families that have not, will not or could not provide this safety and wellbeing. Such contact shakes one's belief in human nature, challenges one's sense of decency and leaves one shaken at how such dreadful things—such as the death of a child—can take place in what we call a civil society. Acts of cruelty and neglect towards vulnerable children sometimes are unfathomable and sometimes they are not, but it happens. And that is the reality: it does happen. That is why our conversations and decisions relating to the Commission for Children and Young People (Child Death Review Team) Bill are so important. It is an emotional topic, but it is a topic that we are addressing as a Government. Unlike the honourable member for Wakehurst, I welcome the bill. There is nothing cynical about the bill.

The bill will support and strengthen the work of the Child Death Review Team in researching and monitoring deaths of all children in New South Wales. Tonight I will focus my comments on one group of children who stand to benefit most from reductions in the number of preventable deaths: Aboriginal children. To date, the work of the team has demonstrated that the disadvantages experienced by Aboriginal children in our society extend to their being significantly more likely to die, and to die at younger ages, than is the case for other children in New South Wales. I draw the attention of the House to media reports on this topic. Because of the work that we need to get through tonight I will not mention in detail press reports in my possession. The front page of the *Australian* of 12 June reported on Professor Michael Dodson's address to the National Press Club in Canberra. He spoke about the incredible level of violence, the devastating effects of violence in Aboriginal communities and how much that is affecting Aboriginal children. The editorial of the *Australian* on the same day, headed "Violence and black children", stated:

> Dr Dodson's speech made harrowing listening. He spoke of patterns of violence so entrenched in Aboriginal communities that child victims of violence become perpetrators themselves before they reach adulthood. He said Aboriginal women experience violence at a rate that is 45 times that of non-Aboriginal women... While Aboriginal people are, as Prime Minister John Howard has acknowledged, the most systematically disadvantaged group in the community, Aboriginal children are the most vulnerable members of that group.

It is harrowing reading, but it is one of the reasons why this bill is so important. Levels of family violence in the Koori community have reached epidemic proportions and have reached crisis point. As I have said, that is why this bill is so significant. Indigenous children currently make up 3.5 per cent of the population younger than 18 years of age in New South Wales. The team's most recent annual report showed that, overall in New South Wales, 37 children died out of every 100,000 children who were younger than 18 years of age. However, among

Aboriginal children 80 children out of every 100,000 children died. The discrepancy is obvious. Aboriginal children's death rate is more than twice the overall rate of deaths. For every young Aboriginal child, the situation is even worse. For all children who died in New South Wales, just over half of the deaths occurred before the child's first birthday. I ask all honourable members to listen to what I am about to say: Unfortunately, 71 per cent of Aboriginal child deaths occur before the child's first birthday. That is an absolutely unthinkable situation, but it is true.

The team has also shown that Aboriginal young people are more than twice as likely as are other young people to die from suicide or risk-taking behaviour, and those deaths account for 7.5 per cent of New South Wales deaths. The same proportion applies to Aboriginal young people who die as a result of assaults, and those deaths account for 8.3 per cent of New South Wales deaths. Anything that we can do to reduce the rate of Aboriginal child deaths is worth supporting. I point out to all honourable members that the statistics I have cited represent real children in real families. I recall once again Mick Dodson's words when he was the Social Justice Commissioner, "We die silently, under these statistics." This bill will enable the Child Death Review Team to continue and extend its work in conducting, publishing and disseminating quality research that is aimed at informing the entire community about the nature of child deaths, factors contributing to deaths and ways in which our laws, policies, services and practices can be changed to reduce the number of deaths.

The bill requires that two members of the team be Aboriginal, to assist the team in understanding the context of the death of Aboriginal children. I acknowledge and thank the members of the Aboriginal community who have served as members of the team to date: Pam Greer, Melva Kennedy and Alice Silva—three indigenous women who are senior in the cultural sense in the Aboriginal community. I know the women personally and I have spoken with them about these issues and about the demons created by the death of children—demons we must all face, not just the Aboriginal community. The three senior women are widely known and respected in the community, particularly in the Aboriginal community, for their expertise in and commitment to caring for children and families.

Reading about the deaths of children from one's community is a very painful and confronting experience. It is even more confronting in the indigenous community, because we know each other and each other's families—they are not just statistics but real children and real families. The three women's extensive knowledge of the Aboriginal peoples within this State has helped the team in many ways, including identifying some deceased children as Aboriginal when neither the child's death certificate nor the police reports reflected the child's cultural background. This goes to the heart of identity, to the heart of Aboriginal people's reality. I cannot imagine what it would be like for the families if the children were not identified as Aboriginal. Aboriginality is not just about the colour of one's skin or the shape of one's nose; it is about a sense of place, connection to country, connection to family.

I thank Melva, Pam and Alice for their work on behalf of Aboriginal children in New South Wales. I repeat the words of the honourable member for Auburn: I place on record, as she did, the respect that I have for the Commission for Children and Young People. I can say that because in a previous life I worked closely with the commission. Its leadership through Gillian Calvert is exemplary—no-one in this Chamber or in this State need worry about her leadership. The bill will help us all improve our knowledge about the systems for protecting children in this State. I started my speech by saying that there is nothing more important than protecting those rights and those children's lives. I am pleased to support the bill.

Mr HICKEY (Cessnock—Minister for Mineral Resources), on behalf of Dr Refshauge [9.32 p.m.], in reply: I thank all honourable members for their contributions to this debate. As honourable members in both Houses have acknowledged, the Child Death Review Team has made a significant contribution to reducing the deaths of children and young people in New South Wales. The provisions in this bill will enable the team to continue this valuable work. The bill stems from the review of legislation governing the New South Wales Child Death Review Team, the report of which was released in May 2002. The report made 11 recommendations and dealt with issues including the management of confidential information, the appropriate functions for the team and its composition. The Government is grateful for the work conducted in that review by Dr John Yu and the Commission for Children and Young People. As is stated in the foreword to the report, the recommendations of the reviewers will "strengthen the capacity of the NSW Child Death Review Team to achieve its important aim of preventing or reducing child deaths in NSW". That aim is shared by all of us. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

POLICE POWERS (DRUG DETECTION IN BORDER AREAS TRIAL) BILL

Second Reading

Mr WEST (Campbelltown—Parliamentary Secretary), on behalf of Mr Watkins [9.34 p.m.]: I move:

That this bill be now read a second time.

The bill was introduced in the other place on 25 June and the second reading speech appears at page 37 of the *Hansard* galley for that day. The bill is in the same form as introduced in the other place. I commend the bill to the House.

Mr DEBNAM (Vaucluse) [9.35 p.m.]: I indicate at the outset that the Opposition will not oppose the bill, but we have a number of concerns and will ask a number of questions which, perhaps, can be answered by the Minister in his reply. The Minister's office advised the Opposition that the request for these new powers had come from NSW Police, who said that intelligence indicated that drug trafficking from southern States was a problem. The Opposition understands that mayors in southern New South Wales had expressed similar concerns. We understand that as this bill went through its processes Labor's parliamentary Left opposed it. The Opposition consulted with the Police Association of New South Wales and the Law Society. I thank the Minister's staff and the department's staff for their explanation of the bill. This is an important bill and it is vital that honourable members understand the process that has brought it to this House. It is important also to understand the net result, the end point, that was the result of that process. The object of the bill is to enable police to stop vehicles and use dogs for drug detection in certain border areas for an 18-month trial. The explanatory note to the bill states:

> **Clause 3** defines words and expressions used in the proposed Act. A ***border area*** means land within this State:
>
> (a) that is within 100 kilometres of the border of this State with Victoria or South Australia, or
>
> (b) that is within a 20 kilometre radius of the intersection of Lachlan and Moppett Streets, Hay, or
>
> (c) that is within a 20 kilometre radius of the intersection of the Newell and Sturt Highways, Narrandera, or
>
> (d) that is within a 20 kilometre radius from the place known as the Birdcage and located on the Sturt Highway approximately at latitude 34 degrees 35 minutes 50 seconds South and longitude 145 degrees 56 minutes 4 seconds East.
>
> A ***search area*** is an area or areas for which a drug detection warrant is in force.
>
> **Clause 4** provides for the process by which a Judge of the Supreme Court becomes an eligible Judge who may issue a drug detection warrant under the proposed Act.

Clause 5 explains the process from the Commissioner of Police down as to how a warrant would be granted. I will not go through that information; obviously it is set out in detail in the bill. The explanatory note further states:

> **Clause 7** specifies that a drug detection warrant must be issued in respect of not more than 3 areas located in a border area, each of which does not exceed one square kilometre in area …
>
> **Clause 9** sets out the functions that may be exercised by a police officer executing a drug detection warrant for a search area. They include establishing check points, stopping vehicles, using dogs for drug detection in relation to persons in or on, or entering or leaving, vehicles and check points or stopped in the search area, seizing and detaining prohibited drugs and prohibited plants and things that may provide evidence of the commission of an indictable offence and giving reasonable directions to facilitate the exercise of the functions …
>
> **Clause 10** requires a police officer who establishes a check point to ensure that signs are erected.

Clause 11 is interesting. It sets out in great deal what a police officer using a dog must do. In part, it states:

> It also requires a police officer using a dog to carry out general drug detection under a drug detection warrant to do the following:
>
> (a) to take all reasonable precautions to prevent the dog touching a person,
>
> (b) to keep the dog under control,
>
> (c) not to allow the dog to enter any driver or passenger area of a vehicle, except as provided by paragraph (d),
>
> (d) to allow the dog to enter any driver or passenger area of a vehicle only if the police officer is entitled to search it and all persons have left the area to be searched,

(e) not to direct a person to open the door of a vehicle unless the police officer is entitled to search the person or vehicle or is otherwise entitled to give such a direction,

(f) not to direct a person to open an area of a vehicle that is not a driver or passenger area of the vehicle, unless the vehicle is used for commercial purposes (including the transport of goods) or is a public passenger vehicle.

(3) A police officer using a dog to carry out general drug detection under a drug detection warrant may:

(a) if a vehicle is used for commercial purposes (including the transport of goods), or is a public passenger vehicle, allow the dog to enter an area of the vehicle that is not a driver or passenger area of the vehicle (for example, the boot, back of a goods vehicle or luggage hold of a coach), and

(b) use the dog for general drug detection outside any vehicle.

Clause 12 states:

A police officer who exercises a function under a drug detection warrant must give the person subject to the exercise of the function a written notice containing the following particulars:

(a) the name of the police officer and his or her place of duty

(b) the date, time and place at which the function was exercised

Clause 13 states:

A police officer who exercises a function under a drug detection warrant must ask for the person's co-operation and carry out the function:

(a) in a way that provides reasonable privacy for the person subject to the exercise of the function, and

(b) as quickly as is reasonably practicable.

Clause 14 specifies:

The time specified is to be not later than 72 hours after the issue of the drug detection warrant.

Clause 17 states:

(1) The Commissioner of Police must cause a record to be kept of the number of drug detection warrants obtained.

That is always a good idea. Clause 22 requires the Ombudsman to keep the trial under scrutiny and sets up the time frames that are required to do that.

Mr Orkopoulos: Hear! Hear!

Mr DEBNAM: The leading member of Labor's Left agrees with that provision. Clause 23 provides for the expiry of the Act 18 months after the commencement of section 8. I read those clauses into *Hansard* to ensure that honourable members who have not had an opportunity to read the bill and who may look through *Hansard* in due course will understand the extraordinary lengths to which Labor has gone to define this bill and the actions of police going about their duties. The definitions in the bill on page 3 refer to "indictable quantity" as follows:

Indictable quantity of a prohibited drug or prohibited plant has the same meaning as it has in the *Drug Misuse and Trafficking Act 1985*.

Clause 11 (2) (d) states:

the police officer may allow the dog to enter any driver or passenger area only if the police officer is entitled to search it and all persons have left the area to be searched.

That raises an interesting point. If somebody is carrying an indictable quantity of drugs, how will he or she be treated in that instance? As I said, that clause states that the police officer may allow the dog to enter any driver or passenger area only if the police officer is entitled to search it and all persons have left the area to be searched. That wording is extraordinarily convoluted. I assume that anyone who got out of a vehicle and who was carrying an indictable quantity of drugs could still be pursued. The Minister might comment on that point

when he replies to debate on this bill. I know that everybody in the Labor Left has read this bill. A number of other people who have read this bill are left wondering what the Government is trying to do. The Minister for Police did not introduce this bill. On 25 June the Minister for Police responded to a question that was asked in this House. When asked what was the Government's response to community concerns about drug trafficking corridors in the State's south-west he referred briefly to this bill. There was an exchange in the House at that time and the Minister said:

> There will signage in the vicinity informing drivers that searches are occurring.

At that point the honourable member for Lachlan took a point of order and said:

> The Minister's answer is extremely important, but I simply ask: Why is he giving this information on what is a very serious measure to try to stop the drug trade? Surely the element of surprise would have to be involved in such a program.

At that early point we knew nothing about the bill, which had obviously been debated at length by Government members and by Labor's Left. What is the Government trying to achieve by introducing this bill? The honourable member for Lachlan encapsulated the whole debate. Clearly, through this bill, the Government is trying to erect a big advertising sign that states, "Do not carry drugs through this area." I will refer to that matter later. The Minister responded to the question of the honourable member for Lachlan by stating:

> The operation will involve police standing at the roadside with signs. It is difficult to keep that secret—in fact, that is the whole point of the operation.

The whole point of this bill is to get the Carr Government off the hook in relation to the Labor Left. The Government has totally gutted this bill, which has become a bit of a joke in this House.

Mr O'Farrell: It's a win for Milton.

Mr DEBNAM: I do not know whether this bill will be successful. As the Deputy Leader of the Opposition just said, it is definitely a win for Milton Orkopoulos. I have been practising pronouncing his surname, which is another issue to which I will refer later. I refer now to the second reading speech of the Minister for Justice in the upper House. This bill was not introduced in the lower House. The Minister for Police might have been embarrassed because he is from the wrong side, so he could not introduce this bill. The Government introduced the bill in the Legislative Council. The bill was received in this House on a day when the Minister for Police was not here—funny about that! It is sort of cute. The Minister for Justice introduced this bill in the upper House. I will quote from his second reading speech because it adds to the intrigue of this bill and it adds to the joke. He said in part:

> For several years now, NSW Police operations in southern New South Wales have identified that large quantities of cannabis are being smuggled over the border from Victoria and South Australia into New South Wales.
>
> NSW Police has detected persons driving to these States with large amounts of cash and returning with large amounts of drugs. NSW Police has seized cannabis, heroin and amphetamine as well as cash and firearms during these operations.

The Minister then said:

> Under the Drug Misuse and Trafficking Act 1985, a police officer may stop and search a vehicle if he or she has a reasonable suspicion that drugs are in the vehicle. The Police Powers (Vehicles) Act 1998 permits a search to be conducted when there is a reasonable suspicion that a vehicle or class of vehicle to which the vehicle belongs is reasonably suspected of having been used in connection with the commission of an indictable offence.
>
> Both these Acts still require a reasonable suspicion to attach to the vehicle before it may lawfully be stopped.

The Minister went on to state:

> Police should not be able to stop and search vehicles completely at random.

That is an interesting debating point. The Minister then said:

> However, the requirement for reasonable suspicion to attach to the vehicle being searched can prevent police from using generic intelligence about patterns of criminal activity.

The Minister did not acknowledge that this was Milton's work. The title of this bill could be changed from the Police Powers (Drug Detection in Border Areas Trial) Bill to the "Police Powers (Milton) Bill". If we were to

move an amendment to this bill—and I hasten to add that the Opposition will not be moving an amendment to this bill—it would be to change the title to the "Police Powers (Milton) Bill". The Minister went on to say:

> This bill carefully balances the need to retain a check on police powers while giving police the chance to show the value of the generic intelligence they gain by studying the modus operandi of drug traffickers.

If we put together all these little bits we start to understand why this bill was gutted, why the Government had to do something about the importation of drugs from South Australia and how Milton stopped it. I refer again to the Minister's second reading speech, in which he said:

> However the bill requires that the reasonable suspicion must attach not to a particular vehicle but to the geographical area.

That is the design of the bill. It simply designates part of the State and states that police can get a warrant to set up roadblocks in that area. The Minister went on to state:

> The bill therefore adopts the approach taken in the Police Powers (Drug Detection Dogs) Act 2001, which permits drug detection dogs to be used under warrant in public places where there is reasonable suspicion that the persons in a public place may include persons committing drug offences.

We remember how the Labor Left went absolutely berserk when sniffer dogs were used anywhere in the State, most notably in Kings Cross. I invited the Minister to use the dogs in any suburb of my electorate: Bondi, Double Bay or anywhere else. We do not have a problem with sniffer dogs. Funnily enough, the Minister did not accept my offer and, unfortunately, the sniffer dogs are now just put in front of television cameras in areas such as Kings Cross. The Minister went on to talk about indictable quantities, and said:

> The term "indictable quantities of prohibited drugs or plants" refers to the existing system established under the Drug Misuse and Trafficking Act 1985 for classifying different weights of drugs.

I draw the attention of honourable members to the next statement. I know that not many of them listen to debates in the upper House, but this paragraph is worthwhile. I will interpret it for them. The Minister continued:

> The weight of a drug that constitutes an indictable quantity varies with the type of drug. For instance, an indictable quantity of cannabis leaf is one kilogram whereas an indictable quantity of heroin is five grams. These amounts are not small. One kilogram of cannabis leaf constitutes 500 to 1,000 street deals, which is worth about $20,000.

I do not know about such things but perhaps those in the other place do. The Minister went on:

> Five grams of heroin is about 25 street deals, which is worth about $1,500.

The next statement from the Minister for Justice is a classic:

> These amounts are too much for a person to have for personal use.

We agree with that. He continued:

> This is reflected in section 29 of the Drug Misuse and Trafficking Act 1985, which states that if a person has above a certain quantity of drugs in his or her possession, he or she is deemed to have those drugs with the intention of supplying them to others—that is, the person is deemed to be a drug trafficker. An indictable quantity of drugs is above this quantity.

The Minister went on to say:

> Under the current law, a person with an indictable quantity of a drug is deemed to have that drug to sell to others. This is a further safeguard under the bill.

I can assume only that the following statement came from the honourable member for Swansea:

> Police will not be able to adduce evidence of minor seizures of drugs possessed for personal use. This legislation is specifically aimed at detecting the trafficking of indictable quantities of prohibited drugs, not offences of minor possession.

I do not believe the Government would leave any loopholes in the legislation, so I assume that I am misreading it. When the Parliamentary Secretary replies to the debate he might explain what will happen when someone has just under one kilogram of cannabis and just less than 25 street deals worth of heroin. What will happen when a sniffer dog finds the quantities specified? The responses to those questions will be intriguing. I am sure that that is not a loophole; I simply do not understand how the Government has closed it. The Minister concluded:

> The review period is shorter than normal but the Government wishes to get a clear idea of the results and conduct of the trial as soon as possible.

The review period and the trial are as short as possible because the honourable member for Swansea has been giving the Government hell about this bill. The Labor Left has turned the caucus inside out. The Government is embarrassed about what it is trying to do in this bill. It is extremely embarrassed about how upset the police are about it. I refer honourable members to an excellent speech in the other place by the Hon. David Clarke. In leading for the Opposition, he said:

> We believe that it is a modest step forward—

he took a very understated approach—

> a very modest step indeed—in the fight against drug trafficking. In fact, in some aspects the bill is quite anaemic.

There is no doubt that the bill is anaemic; it is almost stillborn. The Hon. David Clarke continued:

> … the Opposition does not oppose the bill but it is concerned about whether the legislation fully enables the police to do their job effectively.

That is it to a tee. He went on:

> What other recommendations were put forward by our police service that have been rejected outright by the Government?

We would be intrigued to learn the nature of the original request from NSW Police and what the Government did with it. The Hon. Michael Costa also contributed to the debate in the other place. He said:

> The bill is designed to act as a deterrent and to send a strong message to the community. The Greens should pass on to their friends that they will not be able to use the coast road, because it is covered by the legislation.

I suggest that honourable members read the debate in the upper House, which was extremely entertaining. The Hon. Michael Costa was referring to the fact that the Greens thought they had been advised during briefings—the issue was raised again during debate—that the coast road would be safe for drug trafficking. So the Hon. Michael Costa, speaking on behalf of the Government, did the right thing and said, "No, let me correct that. Will the Greens please take note that the coast road will not be safe for you and your friends?"

I refer honourable members to a press release issued on 26 June which reveals the power behind the throne with regard to this legislation. History should remember this. There is no doubt in my mind that members of the Labor Left will stream into the Chamber, one after another, in the next hour to record their views about this bill. We look forward to that. The press release says not that those members will vote against the bill but that they oppose it. I understand that it was confirmed in a subsequent interview with Australian Associated Press that, although members of the Left oppose the bill, they cannot vote against it. The press release, entitled "Left Opposes 'Sniffer Dogs' Legislation", states:

> The Parliamentary Left has announced its opposition to the Police Powers (Drug Detection in Border Areas Trial) Bill 2003 which was introduced this week.
>
> The Bill will allow police to stop and search vehicles in the south-west of NSW with the use of Drug Detection Dogs.
>
> Left Caucus Convener, Milton Orkopoulos, Member for Swansea, says the unprecedented expansion of police powers in this legislation is not matched by any commensurate benefit.

It is clear from that comment that the honourable member for Swansea has not read the bill—or what was left of it after he had finished with it. The press release continues:

> Mr Orkopoulos highlighted the following major problems with the Bill:
>
> > An extraordinary widening of situations in which warrants can be obtained—

The honourable member for Swansea rambled on a bit and then pointed out:

> > The powers are likely to be used against anyone the police "don't like the look of". Anyone who is not white, middle-aged and middle class is much more likely to be stopped under this legislation.

What an extraordinary suggestion! He then said:

> > There is real doubt that this legislation will have any real impact on drug traffickers. They will simply look for other ways of moving drugs.

I congratulate the honourable member for Swansea on those last two sentences: They are spot on. This bill is unlikely to have any impact on anybody, subject to the powers of the police media unit, which may seek to beat up the issue and claim that the legislation is effective. It is clearly not, and the honourable member for Swansea was obviously telling the truth. When considering the contents of this bill, one must look back over the history of New South Wales and declare that nothing has changed in 200 years.

Mr O'Farrell: Are you going to circulate this speech in Swansea, Milton?

Mr DEBNAM: I am going to send a copy to Swansea. There have been some huge tip-offs about drug raids in New South Wales in the past 200 years but this bill is the biggest tip-off in history. In effect, it says, "For the next 18 months please do not use this road." The honourable member for Swansea is dead right: The legislation is likely to have zero effect. However, I put one qualification on that prediction—this is necessary because we do not know what will happen in 18 months. Everyone on the planet knows that passengers are checked for drugs at airports. Despite that complete morons will still try to get drugs through the airport, and they get caught. It is entirely possible that some moron will not read the *Daily Telegraph* or watch the television—or perhaps they have been living overseas—and will end up trying to transport an indictable quantity of drugs through this geographic area some time in the next 18 months. I agree with the honourable member for Swansea and the Labor Left that some moron will do that in the next 18 months, but it is unlikely that anyone with a brain would do so.

The Opposition was surprised when this bill came out of the woodwork, but we are not surprised with the content and design of the bill. We are not surprised by the debate within Caucus because Labor has real form on drugs. Labor has always had form on drugs. Under the Carr Government Labor has had form on drugs. I remember after the 1999 election, when Labor had won again, a Labor elder said to me "Don't worry, eventually they bring themselves undone." I said that I did not know when that would be, but eventually it would happen. He said, "They always bring themselves undone on three issues." I asked what they are and he said, "Just watch them, over a period of time Labor will always bring themselves undone on drugs, prostitution and corruption."

I do not suggest that the Labor Caucus will expose themselves as drug users or users of prostitutes, but it was suggested to me that Labor will, over time, embrace the drug culture. They cannot help themselves. I will provide an example. Labor will always embrace the culture of prostitution. We saw that a few years ago when the Minister who is now responsible for infrastructure and planning made sure that every suburb had a brothel. Then the Labor elder raised the old chestnut of corruption. He said "They just can't help themselves. They are only in there to get their snouts in the trough and eventually it brings them undone." I said I would give an example that would show why we have ended up with this legislation. Today, the Premier announced a redistribution in this State.

Mr ACTING-SPEAKER (Mr Lynch): Order! I have let the honourable member for Vaucluse talk about prostitution and corruption, although they are well removed from the leave of the bill. However, I do not understand how an electoral redistribution has any connection with this legislation. I would be obliged if the honourable member would return occasionally to the leave of the bill.

Mr DEBNAM: A few years ago the Hon. Richard Jones wanted some drug legislation to go through Parliament. The Government was most reluctant to do anything about it until it had a problem in reducing the number of seats in the House from 99 to 93. I suggest that those honourable members who were not here in 1997 read *Hansard* and the articles which I will mention about this. It was an extraordinary saga.

Mr ACTING-SPEAKER (Mr Lynch): Order! I suggest that the honourable member for Vaucluse should leave the suggestion that members read about it at that. Members can read about it if they desire to do so; the honourable member for Vaucluse does not need to recite it. It is not relevant to this debate. It is so far away from the leave of the debate as to be a little bizarre, even on the standards of the present debate.

Mr DEBNAM: This bill is about doing a deal with somebody to get drug legislation through this House. The police want effective powers to allow them to do their job. The Labor Left could not swallow it and we end up with this gutted bill. In 1997 there was a similar situation. In November 1977 Ben English wrote an article and explained how Labor got the votes to reduce the number of seats by changing the marijuana laws in the upper House. That is why in 1997, in a private member's statement and in my response to the bill introduced following the Drug Summit, I said that the Carr Government has been the biggest drug dealer in this State's history.

Mr Corrigan: Point of order: The honourable member's comments are entirely irrelevant to the debate. I ask that he be drawn back to the leave of the bill. You have drawn him back to the bill several times and I ask that you do so again.

Mr ACTING-SPEAKER (Mr Lynch): Order! The honourable member for Camden has made a useful point. I ask the honourable member for Vaucluse to confine his remarks to the leave of the bill.

Mr DEBNAM: In 1990 in response to the Drug Summit I said:

> The reality is that there are two issues before us today. The first is: Will Parliament fund a dramatic increase in drug education and treatment? The second is: Will Parliament promote or suppress drug use in New South Wales?

First, the Carr Government has not funded a large increase in drug education and treatment. Second, the Carr Government is doing nothing to suppress drug trafficking or use in New South Wales.

Mr CORRIGAN (Camden) [10.06 p.m.]: I proudly represent the Government, both the Right and the Left, and I support this bill. I thank the honourable member for Vaucluse for his strong words of support and his ringing endorsement of the bill, which gives our police greater powers to stop the insidious drug trade. Any help we can give our police to do that is worthwhile. I certainly support an increase in prosecutions for drug offences. I want to highlight two aspects of the bill which were of concern to the Government but which have been completely dealt with. The bill provides for an 18-month trial of a new police power to stop any vehicle in a designated search area for the purposes of using a drug detection dog, as outlined by the honourable member for Vaucluse. The bill requires the Ombudsman to monitor the first nine months of the trial and report at the end of 12 months after the commencement of the Act. In effect, it is an 18-month trial with a report back after nine months. Any concerns about the trial will be quickly highlighted and taken care of. I take a deal of comfort from clauses 5 and 6 of the bill, about which the Hon. John Hatzistergos said:

> Clauses 5 and 6 provide how a warrant application is to be made. Police must first get approval from the Commissioner of Police or a Deputy Commissioner of Police to apply to the Supreme Court. Police must submit to the commissioner or deputy a proposal showing the area to be affected, the information police have about drug movements in that area, a plan for the operation, including personnel required and a description of consultation with the Roads and Traffic Authority [RTA]. RTA consultation will be important to minimise traffic disruption and promote road safety during searches. The commissioner or deputy may approve the application only if he or she is satisfied there are reasonable grounds to suspect that any part or all of the search area is being, or is to be, used on a regular basis for or in connection with the supply of indictable quantities of prohibited drugs or prohibited plants.

He continued:

> Clause 5 also provides that the approval of the commissioner or deputy commissioner to apply for a warrant lasts a maximum of 72 hours.

That is an important safeguard. He also stated:

> The role of the commissioner or deputy commissioner in this process may not be delegated. Clause 6 provides the procedure for applying to the Supreme Court once the approval of the commissioner or a deputy is gained. The application is to include the area to be subject to the warrant; the information on the basis of which the warrant is sought; a plan of the operation, including the number of dogs to be used; the authorisation given by the commissioner or deputy commissioner; and the proposed expiry date for the warrant.

The bill has many safeguards. I proudly support the Government's effort to support our police to stop this terrible trade in drugs and the terrible effect that that has on our community.

Mr APLIN (Albury) [10.09 p.m.]: I wish to comment on the Police Powers (Drug Detection in Border Areas Trial) Bill. The Minister's office advises that the request for these new powers came from NSW Police, which claims that intelligence indicates that drug trafficking from the southern States is a problem. Local mayors in southern New South Wales also have expressed similar concerns. Let me add the concerns of this member, first about the problem of drugs, and second about the efficiency of this new proposal. I find it odd that the trial is confined to border areas. I should have thought it could have been more widely apportioned across the State. But so be it. Let us be clear that the problem of drug trafficking and movement of drugs along the highways has been identified clearly for many, many years. Examples abound. Let me list only a few from one of the target areas near and within my electorate. Headlines in the highly respected regional daily, the *Border Mail*, regularly announce the success of local police in identifying and arresting drug traffickers as they travel along the Hume Highway.

From October 2001 we have the headline "Drug courier caught in act on bus". In that case a man transported nearly $8,000 worth of cannabis to the border aboard a coach from Adelaide. Police searched his

luggage as part of an operation being conducted at the coach stop. In August of 2001 we were advised that the supply of ecstasy would be reduced in the border area as a result of a massive drug seizure in Melbourne. The potential retail value was estimated at almost $2 billion. So I suppose that does confirm that we have a problem with the movement of drugs from the southern States. In April of 2000 a Sydney driver was stopped in Holbrook for a random breath test and found to be carrying more than a kilogram of heroin. That illustrates my concern about the drug trial measure—this new sniffer approach— only being implemented in the border area because that gentleman started his trip in Sydney. In September of 2001 two Sydney men in a hire care were stopped by police for a traffic offence on the Hume Highway, also at Holbrook. A search of the vehicle revealed almost two kilograms of amphetamine with a street value of $200,000.

It is interesting to note that Holbrook was shown as having one of the highest number of charges relating to drug offences in terms of population in the Bureau of Crime Statistics and Research figures for the year 2000. Much of that can be attributed to the activity of the police highway patrol, with many arrests and convictions of couriers transporting drugs between Melbourne and Sydney. One must recognise and commend the vigilance of the police officers in the local area command. Other towns on the border also show increases in the number of charges laid for possession of drugs, and that trend establishes the need for assisting methods of detection, as provided for by this bill. Other indirect benefits to the community are the increased likelihood of detection of truck drivers who use drugs to stay awake and drive longer hours. If they carry quantities of drugs, this bill may end up saving their lives and those of other road users by indirectly enforcing safer driving.

In 1998 a dramatic story was revealed of a bag of drugs being thrown from a hire care during a police chase on the Hume Highway near Woomargama. The pursuit lasted for more than 32 kilometres, at high speeds, and police recovered a large number of tablets of methylamphetamine. In that case the hire care had initially been stopped for speeding and was en route to Melbourne. The police regularly appeal for public help to get drugs off the street—in this case, the highways. As one inspector said, "We find we achieve our maximum results when we work in harmony with the public." An example of that co-operation was revealed when a tip-off led police to stop and search an interstate coach in Albury. In one man's luggage they found 13.65 kilograms of cannabis in heat-sealed bags, although he denied having any luggage on board.

There are numerous reports of highway travellers being found with cannabis, ecstasy tablets and other drugs. Often, the detection follows vehicles being stopped for traffic offences, with vigilant police having located the prohibited drugs because of various suspicious indications. On other occasions police operations targeting drink-drivers have resulted in massive hauls of illegal drugs, in one case 74.5 kilograms of cannabis, worth more than $2 million—just the average pocketful! That type of joint operation involved officers from the Southern Rivers and Western police regions working along the Hume, Barrier and Sturt highways. In this case, during the five-day operation a total of 82 drug offences were committed. While the operation was devised to reduce vehicle crashes by drivers affected by alcohol, vehicle searches resulted in much more than a crackdown on drink-driving. Every gram of drugs detected and taken off the streets helps our young people, so the more efficient the system of detection the better the health and welfare of our citizens.

I find it odd, therefore, that the Minister for Justice, in his second reading speech, mentioned that appropriate safeguards in our society must be enforced to recognise "that there should be a check on the use of powers by police. Police should not be able to stop and search vehicles completely at random." I agree that there need to be checks, but what about random breath testing? Do we believe that random stopping of vehicles for breath testing is more or less an invasion than checking for potentially lethal quantities of drugs being carried? I find the discrepancy most peculiar. But let us have a look at some other areas, because it is not only within that 100 kilometres of border between this State and Victoria and South Australia that we will encounter these problems. Let us look at the provisions of the bill in the case of warrants. It enables a police officer to apply for a drug detection warrant if the officer suspects on reasonable grounds that the whole or part of the proposed search area concerned is being, or is to be, used on a regular basis for or in connection with the supply of indictable quantities of prohibited drugs or prohibited plants.

It is most peculiar that the police must identify areas. As has just been noted, they can be at any point along the highway, and it would be difficult to identify in advance where there will be trafficking. But I take it, from the examples that I produced, that one could reasonably estimate within perhaps several kilometres of a highway that at any one time there is the potential to detect drug couriers. Further, warrants have to be issued for not more than three areas located in the border area. I find that provision prohibitive, in the sense that if the bill is to be truly trialled it requires a full-on trial, not a limited one—again, possibly protecting the public by limiting the powers of the police, but I find the discrepancy very odd when the aim of the bill is to achieve an outcome.

Let us now look at the functions that may be exercised by police officers. They include establishing check points, stopping vehicles and using dogs for drug detection in relation to persons in or on, or entering or leaving vehicles at check points. The odd thing about this is that at the check point signs have to be erected. This is advertising! If we have literate drug traffickers, we can warn them, "You are approaching a detection area. Please turn around now to avoid being detected." This is an odd provision. It is odd that police who exercise a function under the drug detection warrant have to give to the person being searched a note to indicate the officer's name, place of duty, and the date, time and place at which the function was exercised.

I would like to know when the police officer will have time to prepare this note in advance. Will we run off quantities in advance? Is this trial fair dinkum? Finally, we have to seek the person's co-operation for the exercising of the search. I can imagine the drug couriers being only too keen to provide that co-operation! The bill is worthwhile in the sense that it aids and abets the detection of drugs. I find the provisions for advertising and the limitations on the police most frustrating, as indeed they will in the exercising of their powers. But I wish them well in their detection functions. I wish them even better luck in obtaining convictions through the courts.

Mr LYNCH (Liverpool) [10.18 p.m.]: I wish to make a contribution to the debate on the Police Powers (Drug Detection in Border Areas Trial) Bill. The aim of the bill is to establish a trial of a new police power to stop vehicles under warrant to subject them to drug detection dogs. The trial is to last for 18 months. As a first preliminary point, I note the rather awful damage that this bill inflicts upon plain meanings of the English language. The bill is expressed to be aimed at drug detection in border areas. No doubt it is expressed in this way to minimise apprehensions that might otherwise be felt about the number of localities in which dramatically wider powers may be used.

According to the *Concise Oxford Dictionary* the relevant meaning of "border", is "side, edge, boundary or part near it, frontier of country". The definition clause of the bill, clause 3, defines "border area", first, as being within 100 kilometres of the New South Wales-Victoria and New South Wales-South Australia border. However, it also covers three other specific areas: areas within a 20-kilometre radius of Hay, a 20-kilometre radius of Narrandera and a 20-kilometre radius of a place known as the Birdcage, near Carrathool, on the Sturt Highway. It really does damage to the English language to describe these places as being in the border area. They are about as far from the New South Wales-Victoria border as Canberra is, and they are a very long way from the New South Wales-South Australia border. Whatever else the bill is, it certainly is not restricted to border areas. It would do well for the titles of bills to reflect their reality and, even better, for definitional clauses not to define black as white.

The major feature of the bill is its dramatic expansion of powers to stop and search. In practical terms the bill confers a random stopping power on police, even though no suspicion attaches to a particular car. This is a very wide power. Rather than a warrant attaching to a particular car based on intelligent and diligent policing, the bill attaches to particular areas and catches in its dragnet any vehicle unlucky enough to be in that area. It is worth making the point that this is a broader power than that contained in the recent ASIO legislation, which was eventually badgered out of the Senate. A number of safeguards are said to be in place, including that each warrant is restricted to a duration of 72 hours and is not extendable. That indeed seems to be what the legislation says, but you can obtain the same effect as unlimited extension if you keep applying for another warrant. You get exactly the same effect by this series of rolling warrants. In that sense the purported safeguard seems somewhat ineffective.

The mechanism for applying for warrants seems a little curious in relation to issues of principle. Clause 4 sets out a regime that specifies which judges may, under clause 8, issue a drug detection warrant. Clause 4 limits the number of judges who can issues such warrants. The Attorney General can declare which judges can issue such warrants, and he can also withdraw that authorisation. In principle that seems quite wrong, although it applies in other instances. In that regime it is totally within the power of the Executive arm of Government to determine which judges can make these decisions. That seems redolent with problems of principle. The Government should not be able to pick and choose between judges to find the ones most compliant to its purposes. I do not suggest that that is what happens now or that it is what is intended in the legislation, but the principle is ill-advised, and there seems to the potential for misuse.

In a sense a warrant system seems ill-fitting for this type of situation. I am, of course, delighted that a warrant structure has been placed over what would otherwise be a completely random power to stop. If we are going to have that power it is obviously desirable to have a requirement that a warrant must be applied for and obtained. However, it is ill-fitting: a warrant usually follows specific information and delegation relating to a

specific target. That is not happening here. The warrant would seem to be based largely on generic information that drugs are transported along, say, the Sturt Highway. If one reads the argument in favour of the legislation it seems that no further evidence will now be required to apply for a warrant. The police already have evidence that there is regular drug trafficking and, under the legislation, that seems to be all that it is necessary to establish.

The question then becomes whether the process of getting warrants will become a formality of applications being made and the entire process being reduced to filling in the blanks as to times and dates in standard warrant forms. That is not a criticism of any of the judges involved; it is simply what I see to be the conclusion of the legislation. Two other practical issues should be raised. The first is whether the legislation will actually have its intended effect. Those engaged in drug trafficking are usually inventive and resourceful. Presumably they will easily and readily adapt to overcome whatever inconvenience the legislation may temporarily impose on them. If, in practical terms, this proves only to be a temporary hiccup for traffickers, there must be an issue as to whether the wide expansion of warrant powers is justifiable. In short, why bother?

The other practical issue is the process that is required to obtain warrants. I welcome the fact that it seems cumbersome and involves several levels. If the legislation is to be introduced, the more safeguards the better. However, I note concerted efforts by some within NSW Police to alter the current regime relating to approvals for controlled operations. A review is currently being conducted about that. I am apprehensive that a future campaign may restrict the process set out in this bill in exactly the same way. I assume that it will then be dressed up in terms of efficiency and streamlining the process. Another purported safeguard is the review of the operation of the Act by the Ombudsman. That is also something I welcome. However, there are two problems with it. One is that this is another task being delegated to the Ombudsman when a number of reviews of legislation have already been delegated.

I am becoming concerned that funding allocations to the Ombudsman's office will not keep up with the extra tasks being referred. The second is in the limitations on the Ombudsman's review, which is very precisely restricted to scrutiny of the exercise of the functions conferred on police officers under the Act. That is a good thing, but it is important to realise what it is not: it is not, for example, a review of whether the Act should be extended, whether it is effective or whether it offends basic principle. On the positive side of the ledger I note that, although the report goes to the Attorney General through the Ombudsman, it must, as soon as practicable, be laid before the Parliament. That is certainly an improvement upon at least one other report into police powers conducted by the Ombudsman that went to the Minister for Police, and which took some considerable time to find its way to Parliament.

A number of concerns have been expressed about the legislation, some of which were expressed by my colleague the honourable member for Swansea. One fear is that the legislation will be implemented in a way that adversely and unfairly impacts upon some sectors of our society. In essence, police will be far less likely to stop you if you are white, middle-aged and middle-class. That is an eminently legitimate concern. People who say that it is not a concern are living in a different world. I note that the Hon. David Clarke in the other place seemed most upset by the proposal, and suggested that anyone who could draft it was halfway on a spaceship to Mars. I suggest to him that if he does not understand the reality of that, then he is well and truly on a spaceship to Venus, and he is a lot closer to Venus than he is to Earth.

There is another fear that simply extending police powers gives you a corresponding decrease in the freedom and civil liberties of citizens. Of course, shock jocks and senior politicians often do not support that argument. They do not have to because they do not need civil liberties. The power, money and position of senior politicians and shock jocks are protection enough for them. Ordinary citizens need civil liberties. It is the only protection they have. When other people rant and rave about civil liberties, they do so because they do not have too worry about them.

Mr PICCOLI (Murrumbidgee) [10.26 p.m.]: Although the Coalition will not oppose the legislation, the electorate of Murrumbidgee is certainly very much affected by it. With the Sturt Highway and the Newell Highway traversing my electorate, the drug trade through the electorate is significant. It is fascinating to watch the ever-decreasing Left of the Labor Party come in here and bleat about their opposition to the legislation. The press release of the honourable member for Swansea was fascinating. It is really good to see that the clearly dominant Right and the Premier allow these fellows to be trotted out at 10.30 on a Wednesday night and give them their little opportunity in the sun to keep them happy. It is a little embarrassing on this side of the Chamber to see that happen.

I wish that the Left of the Labor Party had the same sort of passion in caucus and had a bit more of an impact on the legislation. Obviously, they do not. Turning to the more serious part of the Labor Party—the Premier and the Right faction that clearly dominate the legislative program of this Parliament—the way they have dealt with the drug trade in this legislation is the same way they dealt with guns. Due to public pressure they have had to do something about both of those issues, but in both respects they have failed to do anything of any significance. We dealt with the gun legislation last week, but most people doubt whether it will have a significant impact. The same goes for this legislation.

The shadow Minister for Police outlined the Coalition's concerns. Even the previous speaker referred to concerns about the effectiveness of the legislation. What powers did New South Wales police ask for, and does the legislation reflect those powers? I would like to see some indication in the Minister's reply as to the sorts of powers the police asked for so that we can compare them to the powers the Government has given them. I believe the difference will be significant. We will not oppose the legislation, because anything we can do to stop trafficking in drugs is clearly supported. But police need real powers to deal with the drug trade. I hope that in time we will get that legislation.

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [10.29 p.m.]: I support the damning critiques of this legislation presented by the honourable member for Liverpool and the honourable member for Vaucluse—damning critiques that really underscore, as the honourable member for Vaucluse has noted, this Government's failure to come to grips with the problem of drugs in this country. I do not think there are any members of this House who do not want to see fewer drugs available to young people or older people in our community, but what sickens the Opposition is the repeated attempt by right wing Ministers, who beat their chests in some sort of Cro-Magnon man way, to suggest that all will be well in the jungle.

The reality is that the detail of the legislation, as the honourable member for Vaucluse demonstrated, essentially makes this prophylactic legislation. It misses its task and is prevented from delivering results that it is designed to achieve. As the honourable member for Albury stated, this legislation simply does not go far enough. The terms of the trial are too limited. The legislation does not allow effectively for random searches, and I do not understand that. As the honourable member for Albury said, we can stop people randomly and require them to undertake breath tests and we can stop people on the Pacific Highway at Turramurra without adequate signage to check their speed.

Mr Ashton: Slow down!

Mr O'FARRELL: I do, but I am more worried about the honourable member for Swansea, who roars through my electorate. However, under this legislation police will not be able to stop people randomly on the highways that bring people into New South Wales without putting up signs, without having a pre-written calling card ready to go, and without making sure of that one sniffer dog does not touch a person in a car. God forbid if a dog's nose should touch any part of a person because, under this legislation, that is effectively a way out of prosecution. My concern is for the amount of red tape and paperwork that is burdening the Police Force of this State while it attempts to do its job. Successive Ministers of Police—albeit not the new Minister for Police, to be fair to the honourable member for Vaucluse—have stated in Parliament that they will do what they can to reduce paperwork and to get police out from behind desks and into the community to tackle causes and symptoms of crime across our community.

If this legislation is allowed to have its full effect—if it is unsheathed, if one likes—it might achieve that purpose, but what we know from this Government's past history on issuing warrants for the use of drug sniffer dogs is that the process is too cumbersome and does not meet community expectations. That claim is best demonstrated in my own electorate. Prior to legislation coming into effect last year, drug sniffer dogs could be used at railway stations to detect drugs. But following changes to regulations, the dogs could not be used randomly. Police had to apply for warrants. This situation concerns local police and it concerns the Deputy Commissioner of Police, Dave Madden, who admitted that it was problem when dealing with youth gangs and drug use in my electorate. It is a situation that the former Minister for Police and the current Minister for Police have refused to do anything about, and therein lies the problem.

This legislation claims to do one thing, but effectively it pursues another purpose, namely, tying the hands of police behind their backs and giving significant leeway to people who are doing ill in our society by giving them enormous warnings as they come into this State. Police are being encumbered with so many regulations that they dare not get out of their car to approach another car. The honourable member for Camden said that he was proud to be part of a Government that gives police every assistance in trying to deal with drugs

in our community. This legislation does not achieve that aim because it continues to tie the hands of police in the way that this Government has done for the past eight years—in the way exposed by the honourable member for Vaucluse. The Government talks tough on drugs but does not deliver. As the honourable member for Vaucluse said, this Government is the biggest drug-dealing government we have ever seen in the history of this State.

Mr WEST (Campbelltown—Parliamentary Secretary), on behalf of Mr Watkins [10.33 p.m.], in reply: This bill continues the Government's dual focus on drug treatment rehabilitation and targeting those who seek to push drugs onto members of our community. I thank honourable members for their contribution to this debate. As all honourable members would be aware, the Minister for Police is unable to be present in the Chamber because he is in Melbourne for the Australian Police Ministers Conference—something that I am sure honourable members support, based on its important implications for law enforcement in New South Wales. The Police Powers (Drug Detection in Border Areas Trial) Bill represents a measured attempt to deal with the very real problem of interstate drug trafficking. Generic intelligence indicates that the border areas covered in the bill are being used to traffic drugs in New South Wales. Honourable members should also remember that the Government has recognised that such significant powers are the subject of a trial and of legislation. The trial will operate for 18 months in designated zones. It represents an evidence-based approach to law enforcement.

The 18-month time frame gives the police plenty of opportunity to get results. The Government wishes to get a clear idea of how police powers are working or, indeed, what could be done better. That is why the Ombudsman will review the first 9 months of the trial. After 12 months of the trial, the Ombudsman will present his report to the Minister for Police and the Attorney General, and the report will be tabled in this House. I now address a number of points raised during the debate. This bill targets only large quantities of drugs, and the Opposition suggests that that indicates the creation of a loophole. The first point I make is that the reference to indictable quantities relates to information that can be submitted to a judge to obtain a warrant. Evidence that someone had a joint it is not sufficient and not necessary.

Police have ample evidence of large-scale trafficking to justify the issuing of warrants. If a dog finds less than an indictable quantity, the drugs will be seized and the person will be charged with the relevant possession offences. Any evidence that is found of criminal offences will be able to be used by police. In the case of people leaving their vehicles, the intention of clause 11 (2) (d) is not to have dogs crawling over people in a car but, rather, to ensure that people leave their car. If people leave the vehicle with drugs in their possession, they will have to walk straight past a dog, which will detect the drugs. If a person gets out of a car, that person will not be able to just walk off and go away. Clause 9 (1) (c) gives the police powers to use a dog on anyone who seeks to leave a vehicle. Moreover, under clause 9 (1) (f), police will be able to give reasonable directions when exercising these powers and will be able to cause people to walk past the dogs.

The Opposition asked why the trial has been limited to border areas. There is evidence of drug smuggling in the area of the trial, along the borders of South Australia and Victoria. The trial area is relatively remote and the road infrastructure is relatively simple. These characteristics provide a good location for a trial. The dimensions of the trial zone are 100 kilometres along the Victorian and South Australian borders and in a 20-kilometre radius around the three choke points. That will give police reasonable scope to locate effective checkpoints and will minimise the risk of search zones being bypassed. Three one-square-kilometre zones will give police a lot of scope to set up checkpoints. Police will be able to set up multiple checkpoints simultaneously in each zone, if they wish. For example, they will able to be set up checkpoints to counter attempts to use subsidiary roads leading off a main route as a means of bypassing the checkpoints on the main route.

Police will have flexibility in being able to select the three one-square-kilometre zones. The total area provided for under the warrant could also be quite large. Southern region police have considerable evidence of drug trafficking along roads in that part of the State. A warrant might cover 100 kilometres of highway, giving police plenty of scope to choose their three one-kilometre search areas and surprise the drug traffickers. Signage will be placed immediately in front of the checkpoints, not at a distance of several kilometres up the road, and is necessary to give people a chance to stop. It is a safety issue for police and for motorists. If someone turns a vehicle around to avoid a checkpoint, that person will be pursued and their action will give police reasonable suspicion upon which to base further action. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL

Second Reading

Mr GAUDRY (Newcastle—Parliamentary Secretary), on behalf of Ms Meagher [10.40 p.m.]: I move:

That this bill be now read a second time.

The second reading speech is substantially the same as that of the Minister who introduced the bill into the Legislative Council. I seek leave to incorporate the second reading speech in *Hansard.*

Leave granted.

The Bill before the House introduces a number of further reforms to the Workers Compensation legislation. The *Workers Compensation Legislation Amendment Bill 2003* can be summarised as follows:

> Schedule 1 and 2 of the bill gives effect to miscellaneous amendments to the *Workers Compensation Act 1987 and* the *Workplace Injury Management and Workers Compensation Act 1998*, including encourage employers to notify injuries on time by providing financial incentives through the claims excess, to make miscellaneous amendments to the structure and procedure of the Workers Compensation Commission to improve the administration of the Commission and other minor amendments.
>
> Schedule 3 of the bill makes various minor amendments to the *Occupational Health and Safety Act 2000* to provide consistency within the legislative scheme.
>
> Schedule 4 amends the *Workers Compensation (Dust Diseases) Act 1942* to ensure that the current ability of the Dust Diseases Board to recover money from negligent third parties to reimburse the Dust Diseases Board is effective.

I will now outline the more significant amendments in more detail.

Schedule 1 of the bill includes various miscellaneous amendments to the *Workers Compensation Act 1987*, including an amendment to the time limit to initiate court proceedings.

It is proposed that the this Act be amended to ensure that the limitation period for the commencement of court proceedings for work injury damages does not run when an applicant is unable to serve a pre-filing statement because of the procedural requirements contained in the *Workplace Injury Management and Workers Compensation Act 1998*.

This amendment will benefit workers by ensuring they are not disadvantaged by procedural delays beyond their control.

The bill includes an amendment proposed by the Greens in the other place. The Greens amendment simply ensures that the bill covers the whole array of procedural requirements.

The bill introduced by the Government in the other place covers the 2-month period that an insurer has to determine a claim by accepting or disputing liability.

The Greens amendments go further to cover the 1-month period in which the worker can take no action while they decide how to proceed, and to ensure that all the procedural requirements regarding administrative processes in the Workers Compensation Commission to progress appeals against medical assessments are covered.

The Government accepted this amendment and it has been incorporated in the bill before the House.

The bill also amends the provisions allowing companies who become self insurers to purchase their tail liabilities. The amendment will simply clarify the power of the WorkCover Authority to determine the amount of the payment as a fair and reasonable amount.

Schedule 2 of the bill has various amendments to the *Workplace Injury Management and Workers Compensation Act 1998*.

The Government recognises that sometimes a financial incentive is needed to encourage businesses to adopt improved practices.

As part of the Single Notification Scheme the Government is providing financial incentives to employers who notify injuries early. Employers who notify within the specified timeframes may pay a lower or no excess for that claim. Conversely, employers who do not notify within the specified timeframe may be required to pay a higher excess for that claim.

This new system of notification will help speed up injury treatment and management for an injured worker. Making sure treatment and support are available for an injured worker as soon as possible after an injury is key in achieving a good return to health and work.

This change means less red tape for employers. Instead of having to make two notifications for many injuries or incidents they will now only need to make one notification – either to WorkCover or their insurer.

Having less red tape for employers and allowing them to concentrate on growing their businesses instead of having to do duplicate paper work is in line with this Government's policy.

Simplification of the notification process will promote higher compliance and more reliable, accurate and timely information on injuries, illnesses and incidents.

WorkCover authorised officers have various powers under this Act, including entry and inspection powers, power to apply for search warrants and to obtain information, documents and evidence.

Provisions that confer powers on authorised officers to enter and inspect premises and to obtain information, documents and evidence will be rationalised for consistency.

The self incrimination provisions will also be modified to provide guidance on the appropriate time for officers to give a self-incrimination warning. This modification is also made to parallel self-incrimination provisions in the *Occupational Health and Safety Act 2000*.

This proposal will assist the inspectorate in enforcing workers compensation and occupational health and safety and this will benefit the whole community.

Several minor amendments to the administration and operation of the Workers Compensation Commission are also proposed.

For example, authorising the President of the Commission to delegate their functions to a Deputy President in cases of conflict of interest or apprehended bias, and clarifying the position of the Registrar.

Schedule 3 includes amendments to the *Occupational Health and Safety Act 2000*.

The Act will be amended to clarify that a breach of the duties under the *Occupational Health and Safety Regulation 2001* do not confer a civil right of action upon employees. This is already the case for duties under the *Occupational Health and Safety Act* itself.

Enforcement of the Act and Regulation is by prosecution by WorkCover, and the Act provides that an employer cannot be sued for damages for breaching this statutory duty. This proposal simply extends the protection to duties arising out of the Regulation.

The amendment does not affect the ability of employees to sue for damages at common law.

Minor amendments will also be made to the terminology in the Act relating to the notification of accidents as part of the Single Notification Scheme. These amendments will provide the legislative framework to enable the Scheme to commence on 1 September this year.

The amendments also provide for consistency within the Act and make the provisions easier to understand.

Schedule 4 provides for amendments to the *Workers Compensation (Dust Diseases) Act 1942*.

In 1998 this Act was amended to include provisions to allow the Dust Diseases Board to recover damages paid to workers where a negligent third party (such as an asbestos manufacturer) is liable. The bill contains proposals to strengthen these provisions to ensure that these provisions are operational.

Finally, Schedule 5 makes a consequential amendment to the *Workers Compensation (Bush Fire, Emergency and Rescue Workers) Act 1987*. The bill ensures that bush fire and emergency service volunteers continue to be covered by the same commutation provisions as workers in the *Workers Compensation Act 1987*.

To conclude, the amendments contained in the bill:

improve the operation of the Workers Compensation Commission,

provide employers with financial incentives to notify insurers early of an injury,

strengthen the Dust Diseases legislation and

improve the operation and viability of the WorkCover Scheme.

This will benefit NSW workers, employers and the whole community.

The proposals merit the support of Honourable Members, and I commend the bill to the House.

Mr HARTCHER (Gosford) [10.41 p.m.]: Only nine months after the third tranche of reforms was passed by this Parliament, and only 18 months or so after the Premier made his famous two-fingered salute to the people of New South Wales and the trade union movement, when we were told that workers compensation had been fixed up—when three sets of reforms were rammed through this Parliament, rammed through the Labor Council of this State, rammed through the caucus of the parliamentary Labor Party—we have yet another set of so-called reforms to workers compensation legislation. We have yet another attempt by the Labor Party, in a bill which amends four Acts—the Workers Compensation Act, the Workplace Injury Management and Workers Compensation Act, the Workers Compensation (Dust Diseases) Act and the Occupational Health and Safety Act—to try to tidy up the endless mess that is called workers compensation in New South Wales.

This State has the worst workers compensation system in Australia; it has the most expensive workers compensation system in Australia; it has a workers compensation system that denies benefits to injured workers

more than any other State; and it is the product of a Labor Government. The Labor Government denies injured workers their full entitlement, and the bill is the product of a Labor Government which sees small businesses struggling each June as they are crippled by yet another round of workers compensation premiums, payable 12 months in advance, please! The legislation passed in the last week of December 2002, just as the House was about to rise, has forced small businesses to aggregate all the payments they make to their workers as part of their calculation for their workers compensation premium.

If ever a government has socked the worker and small business in one package, it is this Government. But what else would one expect of a Premier who sent his backbench to force their way through the streets behind a police escort while he came through the tunnel that connects Parliament House to the Public Library? He came like a rat through the tunnel, while the police had to escort the boys through Macquarie Street. That is a testimony to the Premier's courage. How courageous, when there are 500 police, and marksmen up on nearby buildings, to stand up and give the two-fingered salute. What a man of courage! The Premier acted on that famous day just like Churchill in the 1940s facing the Nazi invasion.

The Premier wrote in his diary "they deserved it". Who deserved it? Was it the injured workers? Did the small businesses struggling to pay the premiums deserve it? But he wrote in his diary "I got it through caucus. What a powerful speech I made in the caucus. I blitzed them in the caucus because they don't pay any attention in caucus. Everyone sits there thinking 'If I vote for Bob will I become a Minister?'" But we all know what happens. Michael Costa was in Parliament for only 17 days before he became a Minister—a bit of leapfrogging there. The Minister for Mineral Resources had no ambitions about becoming a Minister, but suddenly he became a Minister. People who are rightly entitled to promotion, such as the excellent member for Swansea and the outstanding member for Newcastle, are denied their rightful due.

Mr Gaudry: Point of order: As much as I sit and listen with great interest to the latest statements of the honourable member for Gosford, I ask that in the interests of debate he be drawn back to the leave of the bill, which is the Workers Compensation Legislation Amendment Bill.

Madam ACTING-SPEAKER (Ms Saliba): Order! I remind the honourable member for Gosford that he should direct his remarks to the question before the Chair.

Mr HARTCHER: The bill makes changes to workers compensation, and that is what I am talking about. The Workers Compensation Legislation Amendment Bill is an omnibus bill that amends all workers compensation Acts. Accordingly, a broad latitude is allowed because the subject is workers compensation. How does workers compensation legislation pass? It is passed through the Parliament after it is debated. We are now discussing parliamentary debates and the lead-up to the parliamentary debates. I am talking about the craven attitude of the Left. Remember that all members of the Left would never walk through a picket line; they would die for the trade union movement. If their mates in the Construction, Forestry, Mining and Energy Union [CFMEU] were out there, the red flag would be flying.

Mr Orkopoulos: Point of order: It is very late in the night, and I do not believe it is worthy of the honourable member for Gosford to carry on in this fashion. It is important that you bring him back to the leave of the bill.

Madam ACTING-SPEAKER (Ms Saliba): Order! The honourable member for Gosford is drawing a long bow so far as the substance of the bill is concerned. I again ask him to confine his remarks to the subject matter of the bill.

Mr HARTCHER: I will. The CFMEU had the red flag flying outside Parliament House for the first time, and the honourable member for Swansea and the honourable member for Newcastle sneaked in to doublecross the left-wing unions. They and their mates sneaked in to push through this legislation, even though they regularly cry when they address branch meetings and union meetings and stand up for the workers—but it was a different story as they got to those nice green benches and envisaged those big white cars. That is the story that underlies this legislation, but it has a more tragic theme when one thinks that the workers compensation scheme loses $2.5 million each day.

From 30 June to 31 March the scheme lost another $430 million. When the scheme's loss went from $2.6 billion to more than $3 billion the Minister issued a self-congratulatory press release which stated that if he had not passed all those reforms the scheme would have lost more. So the scheme lost $430 million, and yet the Minister stood up and said that he deserves to be congratulated. It could have been worse, according to him and

his actuary; the scheme could have lost $900 million. The excuse given was a classic: it was not the fault of the scheme, it was because of the investment. Approximately $5 billion has been invested and is not getting a high rate of return due to the current world stock market rate; therefore we should be able to understand that it is losing money.

But, in 1995, 1996, 1997, 1998, 1999 and 2000 the world's stock market was going up, but WorkCover was going down. It was losing money on its income, despite the high investment returns paid in those days. WorkCover is massively mismanaged. Do honourable members know how many general managers WorkCover has had in the past five years? There have been four. Do honourable members know who is the general manager of WorkCover today? No-one! WorkCover does not have a general manager. The position has been vacant for more than six weeks. It has been operating in a leadership vacuum since Kate McKenzie left WorkCover to run the new Department of Commerce and Industrial Relations.

This organisation—which has about $3 billion in debts, which is losing $2.5 million a day and which is responsible for insuring 1.5 million workers in this State—has no operational leadership at present. What commercial organisation would operate in such a massive leadership vacuum other than WorkCover—an organisation that pours money down the drain at a rate that no man can speak? What is the Government doing in the budget that it introduced last week to alleviate the problems that are being experienced by WorkCover? The WorkCover budget allocation went from $218 million to $241 million. That money, which is being taken from taxpayers, does not include money that is being bled from the fund.

The Government did one good thing for WorkCover. It took money from the compensation insurance premiums that were being paid for 40,000 trainees in regional New South Wales and in metropolitan Sydney. It denied thousands of trainees an opportunity to get a start in life by no longer giving them the workers compensation premium advantage that they had before. Significantly, WorkCover has been subjected to an exhaustive independent inquiry. It was not subjected to an inquiry that it set up; rather, it was subjected to an independent Federal parliamentary inquiry into workers compensation, which established that the WorkCover scheme was a black hole. It also established that $1 in every $6—or 16 per cent of WorkCover's income—is simply wasted in administration. So of that $6 billion of total debts and liabilities, $1 billion has arisen because of poor administration. If any Government members are interested in reading the Federal parliamentary report it is available in the Parliamentary Library. That report sets out the financial disaster that is this fund.

I turn now to the detail of this legislation, which is designed to provide some assistance to self-insurers—assistance that was denied to them when the legislation was first introduced, when they lost the right to make commutation arrangements, even though they were supported by employers and employees. They now have some ability to rectify that through the purchase of the tail. Other amendments in the bill relate to various other aspects of detail, which I acknowledge members of the Coalition are not opposing. Consistent with our position through all these changes—the three tranches of so-called reform that were introduced by this Government—we will support any reasonable attempt to reform workers compensation in this State. We will support any reasonable attempt to lift the crushing burden from small business and businesses generally imposed by WorkCover costs. Money that is simply poured down the drain in WorkCover must be checked so that business can get ahead and start employing people.

What did the Government do in the 2003-04 budget? It robbed 40,000 trainees of their chance to obtain a traineeship. Forty thousand young people will miss out every year because the workers compensation premium advantage that they had has been taken off them, and all for a $47 million gorge by the Treasurer who came into this House, as he does every year, and scampered out after refusing to answer any questions. Those are the problems that we are facing in relation to WorkCover. This piece of remedial legislation will not rectify those problems because the Government continues to tinker at the edges. WorkCover has to accept the advice that is given to it by the advisory board—advice that is treated with derision by the Government.

WorkCover has to establish a sensible and prudential financial management scheme, rather than having a constant and ongoing leadership vacuum that we are going through now. WorkCover has to operate as an insurance scheme, rather than the present extraordinary system whereby every insurance company is paid to manage every claim and there is no inducement for insurance companies to fight claims. Fraud must be properly investigated and brought to heel. Rehabilitation schemes must be put in place for injured workers. If those things are not achieved, WorkCover will continue to bleed and New South Wales will continue to bleed with it. The Carr Government has a black hole of massive proportions in the shape of the WorkCover scheme.

Mr Richardson: It is similar to the State superannuation scheme.

Mr HARTCHER: Like so many other schemes that the Government sought to sweep under the carpet, this scheme will continue to fester over the next four years. As the honourable member for The Hills pointed out, the State superannuation scheme is another black hole that will change this analogy and foster like a sore—

Mr Gaudry: Don't you mean fester?

Mr HARTCHER: I apologise for mixing my metaphors. The honourable member for Newcastle is following in the footsteps of the honourable member for Coogee—chief pedagogue of the Parliament. That is the title to which the honourable member for Newcastle aspires. It is up to the honourable member for Newcastle if he wants to be the honourable member for Coogee in drag. As it is late I do not propose to detain the House any longer. The examples to be given soon by the honourable member for Lismore are significant. Huge enterprises such as Casino abattoirs in his electorate are at risk.

Mr Gaudry: What sorts of employment practices?

Mr HARTCHER: The jobs of workers are at stake. The honourable member for Newcastle is seeking to make light of this debate when the jobs of 600 workers are at stake. The jobs of about 500 workers at Grafton abattoirs are also at stake. Hundreds of people employed in abattoirs, in sawmills and in the timber industry are being priced out of a job because of the cost of workers compensation. The Australian Labor Party is not concerned about those people. It is concerned only about power. WorkCover is a black hole. WorkCover will continue to be an issue for the next four years. Legislation like this will not change the basic fact that WorkCover loses $2.5 million a day. When the Coalition parties are in government in 2007 it will be an enormous challenge for them to fix up this problem. We will take up that challenge and fix WorkCover, just as we fixed it when we were in government in 1988. The only hope for WorkCover is the election of a Brogden government.

Mr GEORGE (Lismore) [10.58 p.m.]: I support my colleague the honourable member for Gosford, who contributed to debate on the Workers Compensation Legislation Amendment Bill. I quote from a document that I have in my possession that states:

> All reforms to the compensation system involving any improvement to benefits or procedures must be subject to the following overriding fundamental principles. The level of work injury insurance premiums in New South Wales must be competitive and at a level which will maintain and encourage employment growth.

That statement was made by the Labor Party in 1995—it was its industrial relations policy. The Labor Party went to the 1995 election with that industrial relations policy. In 2003 we have the biggest black hole in the workers compensation scheme that this State has ever seen, but nothing is being done about it. The shadow spokesman, the honourable member for Gosford, in a bipartisan approach, attempted to resolve a problem that has to be resolved. The Country Meatworks Association of New South Wales and the National Meat Association made submissions in 1995 and in 1997 in an attempt to resolve the problem, but nothing has been done about it. The Government should work with those associations in an attempt to resolve this problem.

I have had a long involvement with the Northern Co-operative Meat Company Ltd in Casino and I can confirm that the meat industry in the north of the State is struggling. The New South Wales meat industry is concerned not only about the problems associated with workers compensation but about the even bigger problems that will be caused by this drought. Thousands of workers in this State face a bleak future not only because of workers compensation premiums and payroll tax but because of the ramifications of the drought. Companies located in the border areas of New South Wales must compete with companies in Victoria, South Australia and Queensland. The workers compensation problems in this State have made our industry uncompetitive. The buyers and operators of meatworks in border areas must compete with abattoirs in neighbouring States, which have cheaper workers compensation premiums.

Mr Gaudry: Fewer injuries?

Mr GEORGE: The States have equivalent injury rates. These figures may interest the Parliamentary Secretary. If the Northern Co-operative Meat Company in Casino operated in Queensland its workers compensation premiums would be almost $1.5 million cheaper for the same number of employees and claims. It is cheaper to operate two hours across the border. Every meat company in New South Wales faces a similar problem. The abattoir owned by Ramsey Wholesale Meats Pty Ltd at Grafton—the Government knows that abattoir well; it worked hard to re-establish the abattoir in Grafton and to provide employment—faces the same problem. The operator telephones my office two or three times a month to ask whether the workers compensation problems in this State have been fixed.

The Country Meatworks Association of New South Wales and the National Meat Association of New South Wales have tried to work with the Government to resolve this problem. If it is not addressed we will lose business to bigger abattoirs in other States and our industry will disappear. I applaud the honourable member for Gosford for offering to take a bipartisan approach to this problem. It does not matter whether a company employs one, two, 100 or 600 people, workers compensation is a major problem for employers in this State. It is not good for the Carr Government or anyone else to lose money every day down a black hole. That is totally unacceptable. I call on the Carr Government to join the Coalition and take a bipartisan approach to solving this problem.

Ms HODGKINSON (Burrinjuck) [11.02 p.m.]: Workers compensation is probably the third most topical issue in my electorate at present, behind local government boundary adjustments and amalgamations, and health. The purpose of the Workers Compensation Legislation Amendment Bill is to amend the Workers Compensation Act 1987, the Workplace Injury Management and Workers Compensation Act 1998, the Occupational Health and Safety Act 2000 and the Workers Compensation (Dust Diseases) Act 1942. The bill has been introduced in response to what are viewed as inefficiencies in the operation of the Workers Compensation Commission. The bill amends operating procedures to increase productivity, or fairness, where appropriate. It also provides for the lessening of administrative burdens on employers and employees when they are involved in activities with the Workers Compensation Commission.

The bill will make changes that ensure that the time limitation on court proceedings does not run in matters that cannot be initiated due to procedural requirements. It will ensure the effectiveness of the existing provisions allowing companies that become self-insurers to purchase their trial liabilities and allow the president of the Workers Compensation Commission to delegate specific functions when there is a conflict of interest or apprehension of bias. The bill will encourage employers to notify injuries on time by providing financial incentives. It will make non-compliance with a request from an authorised officer an offence, and it will ensure consistency in the application of self-incrimination provisions. The bill will change further the Occupational Health and Safety Act to enable a single notification scheme to commence on 1 September 2003, and clarifies the fact that breaches of the Occupational Health and Safety Regulation 2001 cannot give rise to separate claims damages. This will not affect the ability to claim for negligence.

I reinforce the comments of the honourable member for Lismore. We both have abattoirs in our electorates. There are abattoirs in Gundagai and Goulburn in my electorate, and various others are scattered throughout the south of the State. I have contact with many abattoir managers and employees, who consistently raise the problem that secretaries are on the same premiums as workers in the boning room. The timber industry also suffers extremely high workers compensation premiums. I have received several letters this week about workers compensation. The workers compensation legislation passed last year came into effect on 30 June—two days ago—and applies to all workers compensation insurance policies for the 2003-04 financial year. In speaking to this bill I will refer to some of my constituents' concerns about workers compensation. Tony Morrison from South Raeburn, Breadalbane, wrote to me several days ago expressing concern about the latest impost on employers. He wrote:

> The Government has now included superannuation contributions amongst other items to be assessed and levied along with wages in our premiums for Workers Compensation.
>
> The rationale appears to be that superannuation contributions represent a part of an employee's remuneration and so therefore are assessable; that employers in some cases are making superannuation payments to themselves in lieu of wages and therefore depriving insurers of premiums and obtaining tax benefits that apply to superannuation contributions.

Mr Morrison continued:

> I believe the real reason is that the Workers Compensation Funds are heavily in the red and that this is just a grab for cash.

As the shadow Minister for Commerce said, truer words were never spoken. Mr Morrison went on:

> It is inequitable, unprincipled and a tax on savings. Neither the Government nor the insurance industry has any right to go there.
>
> In the first instance in the event that Insurance Companies did levy superannuation payments as part of our premiums they certainly won't repay it when it comes to claims. There are plenty of instances now where claimants only receive a minimum wage payment such as shearers even though their employers have been making contributions on much larger amounts.

I have made several representations in the past on behalf of employers of shearers such as Thomas Johnson. Mr Morrison continued:

> Secondly the idea that employers who pay themselves by way of superannuation instead of wages to avoid paying Workers Compensation premiums doesn't stand up to scrutiny.
>
> For example there are quite a lot of small businesses that turn over considerable sums of money but require very little labour. They may also make superannuation payments but if they do then they do have to show wages payments if they are 'employer based' contributions. Those wages are assessable.
>
> There are a lot of small business operators who pay themselves and their employees in many cases additional superannuation benefits.
>
> A levy on those payments is clearly a tax on savings and in so-called high risk industries such as the Pastoral Industry it would provide a huge disincentive to save. Yet all Governments tell us we should save.
>
> This is a clumsy approach. The Government is targeting a few at the expense of the majority and it also has the effect of discriminating against industries with high premiums and coincidentally with the lowest wages structure. The very sort of people who are most in need.
>
> This legislation lacks integrity and smells of paranoia. A fairer approach would be to assess businesses a minimum wage and give them the right to appeal.

This is just one example of the way in which workers compensation legislation is affecting my constituents. A couple of days ago I received a fax from Dick McDonald of Goulburn about the Workers Compensation Legislation Amendment Bill. He expressed concern about the changes to the "wages" definitions that came into effect two days ago for new or renewed policies. He stated:

> For the purposes of calculating premium, the definition of wages has been expanded to include:
> Superannuation
> Long service leave
> Payments made at termination or retirement
> Fringe benefits taxable amount for fringe benefits paid to employees
> Trust distribution
> Director Fees

Many different parts of workers compensation affect many people in my local area and in many electorates across the State. When the Workers Compensation Legislation Amendment Bill was discussed it was strongly opposed by the Coalition. The Government forced the legislation through, with the support of the Greens. A "wage" was the amount paid by an employer to the worker. However, under this bill, for the calculation of workers compensation premiums, a "wage" consists of the total cost of having an employee. So included in a "wage" is superannuation, long service leave and other things. Mr Dick McDonald, along with every other employer in New South Wales, now has to pay a higher workers compensation insurance bill because the premium is calculated under the new definition of "wage".

The WorkCover Authority is now losing $2.5 million a day, as was mentioned by the shadow Minister in his contribution to the second reading debate. The Government introduced these amendments to the legislation simply to increase the amount of money it can force employers to pay. The WorkCover fund is almost $3 billion in debt—an astounding figure. Mr McDonald, Mr Morrison and many other people are concerned about workers compensation and have no alternative but to comply with the new definition of "wage". The Opposition is committed to the reform and restructure of workers compensation. I encourage the Government to take a bipartisan approach in relation to workers compensation. Let us do something for the people of New South Wales. Let us not just sit and put all the cash under the drawer. Let us recognise that workers compensation is spiralling out of control and there is nothing in it for employers. Employers are frustrated and upset that all the money from their premiums is going into workers compensation and that there is nothing in it for them or employees. It is a terrible impost on businesses in this State. Recently Dr Elizabeth Challinor of Gunning sought my assistance in understanding the operation of WorkCover in New South Wales. She stated in a letter to me:

> To the best of my knowledge I am the only medical practitioner with regular surgeries in Gunning Shire, and from time to time I treat patients injured as a result of their employment.
>
> My understanding of how the financial system *should* operate is as follows:
> 1. I give the patient an account according to the schedule of fees agreed between WorkCover and the AMA;
> 2. the patient passes the account to his or her employer who
> 3. passes it to their Workers' Compensation insurance company; and
> 4. the insurance company pays my account directly to me.
>
> In most cases this works satisfactorily but I continue to experience problems with one insurance company …

1. Does WorkCover New South Wales have any enforcement role or responsibility to ensure that insurance companies pay their accounts?
2. do I have any legal claim for payment of my accounts to insurance companies that I can enforce through the courts?

As a member of Parliament, I receive many letters like that—and I am sure that other honourable members receive them. She said that if the answer to both questions is no she has a problem because plainly she cannot pursue the patient for payment, as he or she is usually not well off and, in any event, he or she would have similar difficulties getting reimbursement from the insurance company. It would be simply transferring the problem. I have given a few examples of people in my electorate who have problems with WorkCover and workers compensation. Although the Opposition does not oppose this bill, I appreciate the opportunity to reinforce some of the concerns of residents within my electorate in a variety of fields—shearers, timber workers, meat workers, medical practitioners and pastoralists—that those issues cover. This issue affects small business right across the board. I trust that, at some stage, the Government will overhaul the way it looks at workers compensation. Let us resolve the situation and do what is right for the people of New South Wales.

Mr GAUDRY (Newcastle—Parliamentary Secretary), on behalf of Ms Meagher [11.13 p.m.], in reply: I thank honourable members for their contribution to this debate and for their wide-ranging comments on workers compensation. The proposals contained in this bill streamline and improve the administration of the Workers Compensation Commission, strengthen dust diseases legislation, complement the single notification scheme, and fix various anomalies in workers compensation and occupation health and safety legislation. The proposals improve the operation of the commission by authorising the president of the commission to delegate functions to a deputy president in cases of conflict of interest or apprehended bias. This is a commonsense change. The bill also includes minor amendments to the administration of the commission, improving its efficiency.

The Workers Compensation Act 1987 will be amended so that the provision that delays the running of time for the purposes of the three-year limitation period on the commencement of common law proceedings will be extended. It is proposed that the provision provide that time does not run while all procedural requirements are being fulfilled—including the two-month period that an insurer has to determine a claim by accepting or disputing liability, the one-month period in which the worker can take no action while they decide how to proceed and while the Workers Compensation Commission undertakes administrative processes to progress appeals against medical assessments. This ensures that no worker is prejudiced by the procedural requirements in the Workplace Injury Management and Workers Compensation Act 1998 and the Workers Compensation Act 1987 that may delay the ability to commence proceedings until after the three-year time limit has expired.

The strengthening of the dust diseases legislation will remove any doubts surrounding the existing arrangements. This will ensure that negligent third parties such as asbestos manufacturers reimburse the Dust Diseases Board for moneys the board paid to workers, as Parliament intended when the provisions were originally introduced in 1998. The bill also complements the single notification scheme, which will commence on 1 September this year. This scheme will allow workers, employers and insurers to move to a single notification system of injuries and incidents, replacing the current dual reporting requirements of the Occupational Health and Safety Act and the Workplace Injury Management and Workers Compensation Act 1998. This Government initiative means less red tape for employers instead of having to make two notifications for many injuries or incidents they will now need to make only one notification—either to WorkCover or their insurer.

Simplification of the notification process will promote higher compliance and more reliable, accurate and timely information on injuries, illnesses and incidents. In addition, the Government recognises that sometimes a financial incentive is needed to encourage businesses to adopt improved practices. Accordingly, the bill provides that employers who notify within the specified time frames may pay a lower or no excess for that claim. This new system of notification will help speed up injury treatment and management for an injured worker. Making sure treatment and support are available for an injured worker as soon as possible after an injury is key in achieving a good return to work.

In relation to the definition of "wages" the overall premium remains the same. The individual industry rates were each reduced by 10.3 per cent, and the claims experience factors were also reduced on the advice of the scheme's actuary to fulfil the Government's intention not to collect extra premium. Once again, I thank honourable members for their support of this bill which streamlines and improves the administration of the Workers Compensation Commission, strengthens dust diseases legislation, complements the single notification scheme, and fixes anomalies in workers compensation and occupation health and safety legislation. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMES LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mr DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [11.20 p.m.], in reply: I thank honourable members for their contributions to the debate on the Crimes Legislation Amendment Bill. The bill sets out various amendments to legislation to improve the administration of criminal law in the State. The areas that the bill addresses are wide-ranging. Several reforms reflect the Government's strong response to serious offending. For example, periodic detention is no longer an option for rapists and child sex offenders. The Government has also improved child protection by increasing penalties for offences that prohibit convicted sex offenders from working with children or loitering near schools.

Other amendments are designed to enhance trial procedures for child sex offences. They are a direct response to the experience gained since the introduction, in March this year, of the Government's innovative Child Sexual Assault Specialist Jurisdiction. These reforms are intended to minimise the trauma experienced by child witnesses in trials for offences of child sexual assault, without derogating from the defendant's fundamental right to a fair trial. There are reforms intended to improve investigation powers of police, such as those which enable New South Wales to interact more effectively with CrimTrac, thereby improving our ability to solve crime using DNA information that other States may hold.

Other reforms are intended to improve the administration of the present system by, for example, removing unnecessarily complex procedures that prevent courts from finalising matters at the earliest stage, such as the reforms to the Drug Court sentencing powers, or by ensuring that existing procedures are used more effectively, such as requiring a person to have at least appealed in the first instance before petitioning the Governor. Some other reforms are in the nature of ongoing corrections, such as the minor and technical reforms to sections 52B and 308G of the Crimes Act 1900.

The Government also proposes progressive reforms designed to ensure that those with an intellectual disability or mental illness are not unnecessarily and inappropriately detained in custody. For example, when a person appears to be mentally ill and police suspect that person of harming another person, police will be empowered to take that person to a hospital for assessment rather than to a police cell. Similarly, when a person who appears to be mentally ill comes before a bail court on the weekend, the presiding justice may refer that person for assessment rather than having the person spend the weekend in jail. It was noticeable that a significant number of honourable members who contributed to the debate on this bill drew special attention to the provisions that make critical changes to our law with respect to intellectual disability or mental illness. The bill proposes a series of reforms, concerning matters of both procedure and principle, that are designed to facilitate the efficient delivery of criminal justice in this State.

I turn now to an amendment circulated by the Opposition. That is the amendment that proposes to delete the amendment to legislation that is contained on page 13 of the bill, namely, item [1] of schedule 6. The Opposition amendment seeks to delete the amendment in the bill that a court should not be able to partially suspend a sentence. The Government will not support the Opposition's amendment. There is no reason to remove the Government provision from the bill. I believe the honourable member for Epping has misconceived the Government's desire to clarify the meaning of section 12 of the Crimes (Sentencing Procedure) Act 1999.

The Opposition appears to misunderstand what section 12 of the Crimes (Sentencing Procedure) Act is about. The proper sentencing procedure for suspended sentences is as follows. First, a court orders a term of imprisonment, which cannot exceed two years, following sentencing principles and the procedures set out under section 44. A non-parole period will normally be set. Second, the court may then, after the non-parole period has been set, and in any event when procedures under section 44 have been followed, suspend that sentence and place the offender on a bond under section 12. Under this bond, the offender is ordered to be of good behaviour. The offenders are informed that if they breach the section 12 bond it will be revoked, and the offenders are told that not only will they go to jail but for precisely how long that will be. There is no power under section 12 to order that a person go to jail. Section 12 is in fact a bond.

In the original sentencing court in the relevant case, that of *Regina v Gamgee*, (2001) NSW CCA 251, the judge ordered that Gamgee be sentenced to imprisonment for two years, but that the prisoner be released from custody after six months, and that he be placed on a good behaviour bond for the remaining 18 months. In

simple terms, what the original sentencing court should have done in Gamgee's case was order a total term of imprisonment of two years with a non-parole period of six months. But they went about it upside down. The prisoner would automatically be released on parole, after the six months was served, for a period of 18 months. That is the way the procedure normally works. If the offender breaches parole conditions in that parole period properly set down, the Parole Board may revoke the parole order and the offender is sent back to prison.

It was never the intention of the Government when introducing the Crimes (Sentencing Procedure) Act in 1999 that it set out a mechanism under section 12 which enabled a court to order a person to serve a term of imprisonment. This is set out under part 4 of the Crimes (Sentencing Procedure) Act 1999. It was always intended that a court would only be able to suspend the whole of a correctly structured sentence, that is, following section 44 of the Crimes (Sentencing Procedure) Act 1999, as opposed to part of a sentence. I note in passing that in the other place the Opposition referred to the Law Reform Commission's report 79 on sentencing, the recommendation in which led to the introduction of section 12. That report made no reference at all to the so-called "partial suspension of sentences". I note also that it was suggested in Gamgee's case that suspending the first part of a sentence may be appropriate where the offender is undertaking a course of study or is pregnant. With respect, that is a totally inappropriate use of the section.

A person released on his own recognisance, and ordered later to serve a term of imprisonment, effectively will be expected to hand himself in. That circumstance presents obvious problems, not the least of which is the strong possibility that the offender will fail to attend. There is no procedural mechanism for issuing a warrant in that circumstance, and the person cannot truly have been said to have "escaped". Secondly, there is no incentive for offenders to be of good behaviour when they know that, regardless of compliance or otherwise with the conditions of the bond, they will still be required to serve a fixed sentence of imprisonment.

If a court wishes to extend leniency to an offender—as is from time to time entirely appropriate—due to personal circumstances like pregnancy, then the court must resort to other sentencing options to do so. Here we are talking about some matters of procedure which the court in Gamgee's case, as I have respectfully suggested, simply got wrong. Suspended sentences are sentences at the more serious end of the spectrum. They are in fact sentences of imprisonment which are suspended provided that the offender is of good behaviour. If the offender is not of good behaviour the sentence of imprisonment will be invoked. Either a person is sentenced to imprisonment with a nominated non-parole period, or given a bond, or given a suspended sentence. But the person should not be given a hybrid of all three.

The precedent set in the majority judgment in Gamgee's case would lead to more difficulties in sentencing procedure. In his dissenting judgement, Justice Sully, for whom I know the honourable member for Epping has some admiration, observed that a consequence of this application of section 12 would be that it is used, for example, to undermine the principles which require special circumstances to be found before a court can vary the statutory ratio for determining periods of imprisonment.

Sentences should not be partially suspended. The Director of Public Prosecutions, the Legal Aid Commission, the Public Defenders and the Law Society do not oppose the amendment put forward by the Government. Contrary to the arguments of the Opposition, the amendment in schedule 6 to the bill does not limit sentencing options. It simply clarifies the original intention of the section and preserves the integrity of suspended sentences. If the Opposition proceeds with the amendment, which I concede is honestly intended, it will entirely destroy the integrity of suspended sentences. The effect would be entirely perverse. With those observations about the circulated amendment on one hand and about the general nature of the bill on the other hand, I commend the legislation to the House and hope that we may dispense with business relatively quickly.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 4 agreed to.

Schedules 1 to 5 agreed to.

Schedule 6

Mr TINK (Epping) [11.32 p.m.]: I move:

Page 13, schedule 6, lines 4 and 5. Omit all words on those lines.

I have moved the amendment for the reasons I gave during my contribution to the second reading debate. Put simply, it is presently the law of the State that a court can partially suspend a sentence. That much is plain from the Court of Criminal Appeal decision in Gamgee's case. It was the considered view of the strong majority of the bench that the law of this State is that a court can partially suspend a sentence. They also make the point that there are some good reasons why that remains so in relation to the examples set out in paragraph 14 of the judgment, for example, completion of a pregnancy or a course of study. Conversely, that would allow the moulding of a sentence when conditional or partial suspension occurs at the latter end of the term, as occurred in Gamgee's case.

I agree with the majority of the court that that is an appropriate thing to do, and that it is appropriate to defend the current law of this State as interpreted by the Court of Criminal Appeal. The amendment seeks to do precisely that. I believe that what is proposed by the Government, which this amendment seeks to remove, will limit sentencing options. Effectively, as the Minister for Justice conceded in the upper House, it amounts to a sentencing policy driven by administrative difficulties in the Department of Corrective Services, and that is the wrong way to address these matters. The gaolers should not drive sentencing policy. It is as simple as that. For those reasons, I have moved the amendment.

Mr DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [11.34 p.m.]: For the reasons I provided during my reply to the second reading debate, the Government does not accept the amendment. Indeed, it believes the amendment contained in the bill will restore the original intention of the appropriate piece of legislation.

Question—That the words stand—put.

The Committee divided.

Ayes, 44

Mr Amery	Mr Greene	Mr Orkopoulos
Mr Barr	Ms Hay	Mr Pearce
Mr Bartlett	Mr Hickey	Mrs Perry
Ms Beamer	Mr Hunter	Dr Refshauge
Mr Black	Mr Iemma	Ms Saliba
Mr Brown	Ms Judge	Mr Scully
Ms Burney	Ms Keneally	Mr Shearan
Miss Burton	Mr Knowles	Mr Stewart
Mr Campbell	Mr McBride	Mr Tripodi
Mr Corrigan	Mr McLeay	Mr West
Mr Crittenden	Ms Meagher	Mr Whan
Ms D'Amore	Ms Megarrity	Mr Yeadon
Mr Debus	Mr Morris	*Tellers,*
Mr Gaudry	Mr Newell	Mr Ashton
Mr Gibson	Ms Nori	Mr Martin

Noes, 31

Mr Aplin	Mr Humpherson	Mrs Skinner
Ms Berejiklian	Mr Kerr	Mr Souris
Mr Cansdell	Mr Merton	Mr Stoner
Mr Constance	Mr Oakeshott	Mr Tink
Mr Debnam	Mr O'Farrell	Mr Torbay
Mr Draper	Mr Page	Mr J. H. Turner
Mr Fraser	Mr Piccoli	Mr R. W. Turner
Mrs Hancock	Mr Pringle	
Mr Hartcher	Mr Richardson	*Tellers,*
Ms Hodgkinson	Mr Roberts	Mr George
Mrs Hopwood	Ms Seaton	Mr Maguire

Pairs

Ms Allan	Mr Armstrong
Ms Andrews	Mr Brogden
Mr Aquilina	Mr Hazzard
Mr Mills	Mr Slack-Smith

Question resolved in the affirmative.

Amendment negatived.

Schedule 6 agreed to.

Schedules 7 to 15 agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

BILLS RETURNED

The following bill was returned from the Legislative Council without amendment:

National Park Estate (Reservations) Bill

The following bill was returned from the Legislative Council with amendments:

National Parks and Wildlife Amendment (Telecommunications Facilities) Bill

Consideration of amendments deferred.

SPECIAL ADJOURNMENT

Motion by Mr Scully agreed to:

That the House at its rising this day do adjourn until Thursday 3 July 2003 at 10.00 a.m.

PODIATRISTS BILL

Bill introduced and read a first time.

Second Reading

Miss BURTON (Kogarah—Parliamentary Secretary), on behalf of Mr Iemma [11.48 p.m.]: I move:

That this bill be now read a second time.

I have the pleasure of introducing the Podiatrists Bill, which will protect the health and safety of the public of New South Wales by providing for effective regulation that ensures podiatrists are fit to practise. The bill proposes the repeal of the Podiatrists Act 1989 and its replacement with new legislation for the registration of podiatrists, which is appropriately updated to strengthen and improve regulation in a similar fashion to improvements that have been made to the regulatory system for other health professionals, such as medical practitioners. The bill is the result of an extensive review process that has taken place over the past few years, consistent with the requirements of competition policy. The review has involved detailed conversation with all relevant stakeholders and, in particular, the podiatry profession. The bill having been introduced, honourable members should note the opportunity for detailed consideration over the coming parliamentary recess, as the bill is permitted to lie on the table. The podiatry profession will also enjoy the opportunity for further detailed consideration over the coming months as the bill lies on the table.

The bill proposes revision of the composition of the Podiatrists Registration Board. It is proposed that the board now comprise seven members, those being two podiatrists nominated by the Minister from a panel of podiatrists nominated by the Australian Podiatry Association (NSW) and other relevant professional organisations; one podiatrist nominated directly by the Minister; one podiatrist involved in education; an officer of the Department of Health or the public health system; a community representative and a legal practitioner.

Honourable members will recall that health professional legislation introduced and passed in recent times has included cognate amendments to the Public Health Act 1991 in respect of any restrictions on health care practices necessary in the interests of public health and safety. Their placement in the Public Health Act underpins the public health and safety rationale of any restrictions.

This bill takes a similar approach in relation to certain foot care practices. It is proposed that these practices be restricted to medical practitioners, podiatrists and registered nurses employed by the public health system, a licensed private hospital, a licensed day procedure centre or a licensed nursing home. The practices proposed to be restricted in this manner are, first, the undertaking of invasive procedures performed on the feet and toenails under anaesthesia. This practice would be restricted to medical practitioners and podiatrists. Second is the undertaking of debridement of hypertrophic and necrotic tissues of the foot, and the undertaking of treatment of the feet of immuno-compromised or vascular-compromised individuals and individuals suffering from peripheral neuropathy. These practices would be restricted to medical practitioners, podiatrists and registered nurses employed by a public health organisation, a nursing home, a private hospital or a day procedure centre. However, they are in no way intended to prevent other health professionals such as chiropractors, osteopaths and physiotherapists from undertaking their normal professional practice in respect of immuno-compromised or vascular-compromised individuals and individuals suffering from peripheral neuropathy.

I turn now to the specific provisions of the bill. To ensure that the welfare of patients is the paramount consideration in administering the Act, clause 3 of the bill states that the objective of the legislation is to protect the health and safety of the public by providing mechanisms to ensure that podiatrists are fit to practise. The bill will achieve this objective through a number of initiatives. The first of these initiatives is to provide that the board may refuse to register a person, or register him or her subject to conditions, where it is not satisfied that he or she is competent to practise. For the first time it will be an express requirement that applicants for registration must be competent to practise. As part of the requirement for competence, clause 14 of the bill provides that the Podiatrists Registration Board would have the power to conduct an inquiry into a person's competence. If, following an inquiry, the board is not satisfied as to the applicant's competence it will be able to grant registration subject to conditions or refuse to register the applicant. This power to conduct an inquiry will also apply when a person applies to have his or her registration restored.

The second initiative within the bill, to ensure that podiatrists maintain their competence, is the introduction of a more robust annual renewal process. This process will require practitioners to submit annual declarations to the board on renewal of registration. Clause 20 of the bill provides that these declarations will cover criminal convictions and findings, ongoing good character, the refusal by another jurisdiction to register the person, the details of any suspension or cancellation of registration or the imposition of conditions in another jurisdiction or by another health registration board in New South Wales, whether the practitioner is registered with another health registration board in New South Wales, significant physical or mental illness that is likely to affect a podiatrist's ability to practise, and continuing professional education activities.

In addition to practitioners being required to provide the board with an annual declaration detailing any criminal findings, clauses 21 and 22 of the bill also provide for the board to be notified about practitioners who are the subject of criminal findings. Under these provisions courts will be required to notify the board of practitioners who have been convicted of an offence or made the subject of a criminal finding in respect of a "sex or violence offence". Essentially, a criminal finding is one where an offence has been proven but a conviction has not been recorded. A "sex or violence offence" is an offence involving sexual activity, acts of indecency, child pornography, physical violence or the threat of physical violence. Practitioners will be required to notify the board within seven days if they have been convicted of an offence of a type that courts are required to report, or if they have sustained a criminal finding in relation to a "sex or violence offence", or if they are facing criminal proceedings for a "sex or violence offence" where the allegations relate to conduct occurring in the course of practice or involving minors.

The third significant initiative is part 4 of the bill. Part 4 introduces a new disciplinary system, similar to the model applying to a number of other health professions. Clauses 24 and 25 provide for a two-tier definition of misconduct based on the definitions in the Nurses Act. The adoption of the two-tier definition, which includes both unsatisfactory professional conduct and professional misconduct, will allow the board to deal with both serious and less serious complaints in the most appropriate manner. Clause 26 of the bill provides the grounds for a complaint about a practitioner. The grounds for complaint have been drafted to be consistent with the grounds for complaint in the Health Care Complaints Act, the changes in the grounds for refusing a person registration, the introduction of the two-tier definition of misconduct and the introduction of an impaired practitioners system.

The bill proposes a Podiatrists Tribunal, which would deal with complaints when practitioners are charged with professional misconduct. The tribunal would be chaired by a legal practitioner with at least seven

years experience, and include two podiatrists and a consumer selected by the board. The tribunal would hear the more serious complaints about practitioners, and the board would, where appropriate, conduct inquiries into complaints that are less serious. The bill also proposes the establishment of a Podiatry Standards Advisory Committee. The committee would be used by the board as an expeditious and expert mechanism to inquire into complaints about podiatry services that the Health Care Complaints Commission does not propose to investigate. Those complaints will generally be at the lower end of the spectrum of seriousness. It is proposed that the committee chair be a podiatrist nominated by the board. In addition there would be two other podiatrists selected by the Minister from a panel of practitioners put forward by the board. There would also be a consumer representative on the committee.

Due to the importance of complying with the rules of natural justice, board members would not be eligible to be appointed to the committee. Precluding board members from sitting on the committee will ensure that complaints are not considered by the same individuals in different capacities. The bill provides that members of the committee be appointed for a fixed term of four years. The committee will investigate complaints and make recommendations to the board for its resolution. Included as part of the committee's investigatory powers will be the power to require a practitioner who is the subject of a complaint to undergo skills testing. Skills testing will assist the board in dealing with complaints about professional standards and in ensuring that practitioners maintain appropriate professional standards.

It is not proposed that the committee have the power to determine complaints, but it would be able to facilitate the patient and the practitioner reaching an appropriate agreement. Should the committee, during its investigations, reach the view that a complaint raises an issue of unsatisfactory conduct which requires referral for a disciplinary inquiry, the board will be obliged to follow this recommendation. In such cases the board would either conduct an inquiry into the complaint or, for the most serious matters, refer the complaint to the tribunal for a hearing.

Honourable members will be aware of the valuable role that the Health Care Complaints Commission performs in investigating complaints about health service providers and in appropriate cases instituting disciplinary action against practitioners. I emphasise that, under the new disciplinary provisions, the Health Care Complaints Commission will continue to play an important role in the investigation and prosecution of complaints. As part of the board's powers to protect the public it will be able to impose conditions on a practitioner's registration or suspend that registration, where it is necessary to do so to protect the life or the physical or mental health of any person.

This leads me to part 5 of the bill, which proposes a system for the board to manage impaired practitioners. The provisions of part 5 of the bill are modelled on provisions in the Medical Practice Act, which have operated successfully for a number of years. The rationale for such a system is that practitioners whose ability to practise is impaired by factors such as physical or mental illness, or drug and alcohol abuse, can be managed and assisted before those problems develop to such an extent that patients are placed at risk. Following the impairment process, the board will be able to place conditions on a practitioner's registration or suspend that registration where it is satisfied that the practitioner has agreed. Where the practitioner does not agree to the recommendations of an impaired registrants panel, the board will have the option of lodging a complaint about the practitioner and having that complaint dealt with by the tribunal or at a board inquiry.

The bill includes comprehensive appeal mechanisms to ensure that there are appropriate checks and balances in the disciplinary system. Where a complaint is heard by the board there is a right to appeal to the tribunal, and for that appeal to be by way of a fresh hearing. There is also an avenue for a practitioner to appeal to the tribunal on a point of law. Where a complaint is heard by the tribunal there is a right to appeal to the Supreme Court. However, such an appeal may only be made on a point of law or in respect of the sanction that is imposed by the tribunal. In the interests of administrative effectiveness and efficiency the board will have the power to delegate certain of its functions and to establish committees. The establishment of committees will allow the board to co-opt outside expertise from both the podiatry profession and other professions for specific matters, such as education.

The provisions of this bill are aimed at ensuring that the public can continue to have confidence in podiatrists and to expect the highest standards of competence and conduct from the profession. I am therefore pleased to introduce the Podiatrists Bill 2003 and allow the bill to lie on the table of this House over the forthcoming parliamentary recess. This will provide the opportunity for interested parties generally, and the podiatry profession in particular, to consider detail of the bill. In the course of the legislation review the Department of Health conducted extensive consultation with the podiatry profession. Consultation with the

profession will continue while the bill lies on the table. I welcome comment on the bill and, in particular, comment on the proposed restrictions on certain foot care practices. I welcome any suggested amendments to the bill which improve its effectiveness in the public interest. I commend the bill to the House.

Debate adjourned on motion by Mrs Hopwood.

The House adjourned at 12.04 a.m., Wednesday 3 July 2003, until 10.00 a.m. the same date.